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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Periodic reports of States parties due in 1999

CZECH REPUBLIC*

[3 March 2000]

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* For the initial report submitted by the Government of the Czech Republic, see CRC/C/11/Add.11, for its consideration by the Committee, see documents CRC/C/SR.411-413 and for the concluding observations, see CRC/C/15/Add.81.

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I. GENERAL MEASURES OF IMPLEMENTATION

A. Introduction

1. The Czech Republic came into being on 1 January 1993 as one of the two successor States to the Czech and Slovak Federative Republic. On 19 January 1993 it was accepted as a member of the United Nations and assumed all the legal regulations of the former State about fundamental human rights, including all treaties on human rights binding on the Czechoslovak State, and thus also the Convention on the Rights of the Child (the "Convention").

2. The Convention was signed in the name of the Czech and Slovak Federative Republic in New York on 30 September 1990. It came into effect for the Czech and Slovak Federative Republic on 6 February 1991. The Convention was published in the Collection of laws under No. 104/1991 Coll. Through the provisions of Act No. 4/1993 Coll. on measures connected with the dissolution of the Czech and Slovak Federative Republic, the Czech Republic assumed all obligations which the ČSFR had under international law as of the day it ceased to exist. This law went into effect on 31 December 1992, as a result of which the Czech Republic is bound by the Convention as of 1 January 1993.

3. Under article 44 of the Convention, the Czech Republic was required to submit its initial report by 1 January 1995. The Czech Republic submitted the report through its Permanent Mission to the United Nations Office at Geneva on 29 February 1996; it contains information on the fulfilment of the Convention in 1993-1994. On 3 September 1997, the report was supplemented with answers to additional questions from the Committee which the Committee gave to the Czech Republic on 23 June 1997. The Committee made its final evaluation of the Czech Republic's report at its meeting on 10 October 1997.

4. The Czech Republic hereby submits its second periodic report for 1995-1999. Passages which directly respond to the final evaluation of the Czech Republic's initial report and which answer the Committee's questions and comments are printed in bold in the report.

5. The Convention is an international convention under article 10 of the Constitution of the Czech Republic. That means that it is directly binding, and takes precedence over domestic law. The content of certain articles of the Convention corresponds to the provisions of the Charter of Fundamental Rights and Freedoms, published under No. 2/1993 Coll. (the "Charter"), which is part of the constitutional order of the Czech Republic. This means that the Charter has the force of a constitutional statute, and other laws must be in accordance with it.

6. The rights of the child contained in individual articles of the Convention are governed in the Czech legal order by the following laws: Act No. 94/1963 Coll. on the family, No. 140/1961 Coll. the Criminal Code, No. 141/1961 Coll. the Criminal Procedure Code, No. 40/1964 Coll. the Civil Code, No. 99/1963 Coll. the Civil Procedure Code, No. 65/1965 Coll. the Labour Code, No. 50/1973 Coll. on foster care, No. 100/1988 Coll. on social security, No. 114/1988 Coll. on the responsibilities of the Czech Republic social security authorities, No. 29/1984 Coll. on elementary and secondary schools (the Schools Act), No. 97/1963 Coll. on private international law and rules of procedure, No. 498/1990 Coll. on refugees, and Act No. 117/95 Coll. on State social support, all as amended by later amendments.

7. At the international level, the Czech Republic is bound, in addition to the Convention, by the following treaties:

> Convention concerning the Recognition and Enforcement of Decisions Relating to Maintenance Obligations Towards Children (Decree of the Ministry of Foreign Affairs, No. 14/1974 Coll.);
>
> International Labour Organization Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77) (Decree of the Ministry of Foreign Affairs No. 23/1981 Coll.);
>
> International Labour Organization Medical Examination of Young Persons (Non-Industry Occupation) Convention, 1947 (No. 78) (Decree of the Ministry of Foreign Affairs No. 24/1981 Coll.);
>
> The Hague Convention on the Civil Aspects of International Child Abduction (announcement of the Ministry of Foreign Affairs No. 34/1998 Coll.).

8. Legislative power in the Czech Republic lies with the Parliament. Parliament is composed of two chambers, the Chamber of Deputies and the Senate. The Chamber of Deputies has 200 deputies, who are elected for a period of four years. The Senate was not elected until 1996, when the first elections to the Senate took place in November. The Senate has 81 senators, who are elected for six-year terms in office, with one third of Senate seats elected every two years.

9. **On 9 December 1998 the Government, by resolution No. 809, approved the document "The Government's Responsibility for Improving Protection of Human Rights" and established the Council of the Government of the Czech Republic for Human Rights (the "Council"), which became an advisory and coordinating government body for issues of protection of human rights and fundamental freedoms in the jurisdiction of the Czech Republic. The Council's task is to monitor the observance and implementation of the Constitution, the Charter, and other legal norms governing protection and observance of human rights. The Council also monitors domestic implementation of the Czech Republic's international obligations in the area of protection of human rights and freedoms, including the Convention. Through the Government Commissioner for Human Rights (the "Commissioner"), the Council ensures the fulfilment of its obligations consisting of submitting reports under all the above-mentioned covenants and treaties. The Council is composed of the Chairman, 10 representatives of government bodies, and 10 representatives of the public. The representatives of the public are appointed and recalled by the Government. The Council's composition guarantees a balanced view of human rights in the Czech Republic. In April 1999 the Council established eight expert working groups, one of them being the Working Group for the Rights of the Child. The sections address legislative problems and inadequacies, and, as Council bodies, assist adoption of executive measures by relevant State bodies. After the Council approves the**

conclusions submitted by its working group, the materials are passed to the Government through the Commissioner and the appropriate vice-premier. (See CRC/C/15/Add.81, paras. 9, 10, 11, 27, 28, 29.)

10. **The Council established a Working Group for the Rights of the Child to address questions connected with observing the rights of the child under the Convention. This section, like the Council, includes representatives of central bodies which are directly connected to observing the rights of the child (at present they are especially employees of the Ministries of Education, the Interior, Labour and Social Affairs and the Ministry of Foreign Affairs) and representatives of the public, both of representatives of non-profit, non-governmental organizations (NGOs) and of experts who have been involved with the rights of the child for a long time. Members of the section are nominated, appointed and recalled by the Council. The section's activities are coordinated by the Secretary - an employee of the Human Rights Department of the Office of the Government of the Czech Republic. The Director of this department is the government Commissioner for Human Rights, who is also the Chairman of the Council. The section handles matters which are problematic from the viewpoint of observing the Convention in the Czech Republic. The section members meet as necessary. They submit proposals and take part in developing proposals how to solve specific legislative problems. (See ibid., paras. 9, 10, 11, 27, 28, 29.)**

11. **In its resolution No. 1 of 6 January 1999 the Government approved principles of State policy for the young generation until the year 2002. It thereby accepted responsibility for the healthy development of the young generation and enhancing its participation in the social, political and economic life of the Czech Republic. At the same time, the Government charged its members to secure fulfilment of assignments arising from the principles and to develop ministry programmes related to the support and protection of children and youth and to allocate funds in their budgets for implementation of these programmes. (See ibid., paras. 9, 10, 11, 27, 29.)**

12. **During the monitored period, in respect of protection of human rights, including the rights of the child, there was still no public protector of human rights in the country - an ombudsman whose office, independent of the Government, could protect natural persons from illegal or otherwise wrong decisions or actions by authorities or even courts. The draft law on the public defender of human rights was approved in December 1999 and comes into effect as of 28 February 2000 under No. 349/1999 Coll. (See ibid., para. 28.)**

13. The principles listed in article 10 of this report include a proposal to establish a National Committee for the Family, Children and Youth and preparation of an act on youth by the year 2001. The Statute for the National Committee was approved by the Government on 7 July, in resolution No. 696, and the Minister without portfolio became the Chairman of the Committee. The task of this Committee is inter-ministerial coordination of conceptual and methodical activities in the area of care for children and youth, subsidy policies of the ministries aimed at children and youth, and initiation of systematic steps in the area of prevention and leisure time and related legislation.

14. The Ministry of Education, Youth and Sports (the "MEYS") cooperates with NGOs, which largely provide opportunities for leisure time for children and youth, both in sports and in other specialized activities offered by civil associations of children and youth. It was for this purpose as well that the MEYS created a consulting body to the First Deputy Minister, called the Chamber of Youth, whose members are ministry employees, representatives of regional State administration, independent experts and representatives of NGOs, including civic associations of children and youth, civic associations of the medically disabled and religious groups. Moreover, in 1996 the Deputy Minister for Youth and Physical Education created a consulting body, the Commission on Mobility of Youth, which includes civic associations as well as staff of relevant State bodies. The task of the Commission is:

(a) To submit proposals on an ongoing basis and jointly discuss topics concerning the mobility of youth;

(b) To take part in preparing new legal regulations in the area of mobility of youth;

(c) To take part in preparing a position statement in approval proceedings for projects in the programme for support and protection of children and youth and to accept recommendations for the directing committee of the programme Youth for Europe III;

(d) To prepare materials on principles concerning the mobility of youth;

(e) To conduct selection proceedings for events connected with the activities of the Council of Europe and the European Union and other international events to which representatives of the Czech Republic are invited.

15. The NGOs also actively take part in the State subsidy policy, because they are members of the working team for creating rules for the State subsidy policy and its amendments vis-à-vis NGOs. Representatives of the association(s) are also members of commissions which decide to award subsidies, both in the selection process for programmes of support and protection of children and youth (i.e. the subsidy policy of the MEYS), and in the grant commission of the EU community programme Youth for Europe. The number of representatives of NGOs in the commissions is approximately one third of the members in each commission. The MEYS ensures provision of information through the creation of web pages intended for youth (www.adam.cz). Since the beginning of May 1999 EURODESK - the international information network for youth - has been in operation.

16. In the area of the rights of the child the MEYS works primarily with the alliance of non-governmental organizations for the rights of the child in the Czech Republic (ANO), which brings together the following organizations: the Czech section of Defense for Children International (DCI); Duha (Rainbow) - the association of children and youth for leisure time and fun; EAICY - the European Association of Institutions for Children and Youth; FOD - the Fund for Endangered Children; Kruh (Circle) - the association for children and youth; the association Safety Hotline for children and youth; the Our Child Foundation (Nadace Naše dítě); the Association for Observing the Rights of Children and Parents of the Czech Republic; the Society for Social Pediatrics of the Medical Society of Jan Evangelista Purkyně; Justice for Children; the Union of Catholic Women; the Fathers' Union; the Parents' Union.

17. **In accordance with the Committee's recommendations, the MEYS supported the publication and dissemination of the following documents concerning the rights of the child:**

***Documents on the Rights of the Child* (*Práva dítěte v dokumentech*) (Department of Crime Prevention of the Ministry of the Interior, in cooperation with DCI and FOD, Prague, 1998);**

***What is the Convention on the Rights of the Child* (Czech Helsinki Committee, Prague, 1996);**

***Convention on the Rights of the Child* (the Pink Hotline ("Růžová Linka"), 1997);**

***The Gazette*: *From Bucharest to Lisbon, or the relationship of Europe and the world to young people* (*Institute for children and young people*). *The Gazette* contains the results of meetings of conferences of ministers responsible for youth policy;**

The Czech Society for the Protection of Children periodically publishes additional documents on this theme: *The Little Encyclopedia of the Abused and Neglected Child; My Chicanery, Your Chicanery (Šikanuji, šikanuješ); Mistreatment; The Mistreated Child; How to raise a child without blows (Jak vychovávat bez pohlavků); Being Careful Pays (Osvědčení opatrnosti)* (See ibid., paras. 14, 31, 42.)

B. Dissemination of the Convention in elementary education

18. **Information on human rights, the rights of the child and related domestic legal regulations are included in the social science section of the standards for elementary education (MEYS ref. No. 208195/95-26). The specific content of teaching materials for education on human rights and legal and ethical education is included in all approved educational outlines (elementary school, national school, grade school, alternative curricula). In the elementary school programme these themes are included in the subjects basic nature studies, Czech geography and civic education. In the national school curriculum they are included in the subjects basic nature studies, Czech geography and civic and family education and the elective subject reasoning skills. In the grade school curriculum they are included in the subjects basic nature studies, civic education and drama. In many areas NGO employees and activists share in the dissemination of the Convention and education on human rights in elementary schools.**

19. Documents valid for basic education are also used in the lower grades of a multi-year academic secondary school (eight-year study plan, six-year study plan), in which students complete compulsory education and basic education. Requirements for basic education are contained in the standard for basic education and other specific documents in individual educational programmes. **For the needs of students in special schools the MEYS disseminated the brochure "What is the Convention on the Rights of the Child" (Czech Helsinki Committee, Prague, 1996), which provides an explanation of the Convention's basic articles. (See ibid., paras. 14, 31, 42.)**

C. Dissemination of the Convention in secondary education

20. Requirements for issues of upbringing and education arising from the Convention are contained in the document Educational Goals and Requirements for the Content of General Secondary Education Related to the Area of Human Rights. Education on human rights and the rights of the child is specifically set in effect by basic documents for secondary schools, including standard education in a four-year academic secondary school and standard four-year occupational education. Education on the rights of the child and human rights is generally of a nature which lies above any particular subject; it is included in various general education subjects and in a number of expert subjects. NGO employees and activists also take part in disseminating the Convention in secondary schools. Vocational schools pay insufficient attention to human rights issues (in the context of education on human rights, tolerance, and responsible citizenship). The development of standards is contained in educational outlines in effect for secondary schools, under which the aims of education on human rights are the following:

(a) Knowledge of the rights;

(b) Understanding their significance;

(c) Acquiring the ability to exercise these rights and to seek protection if they are not observed;

(d) Education on responsibility and respecting the rights of all people.

(See ibid., paras. 14, 31, 42.)

D. Educating professional groups on the rights of the child

21. The set of pedagogic-organizational information for elementary schools, secondary schools, post-secondary occupational schools and educational facilities for the 1998/99 school year (ref. No. 18.509/98-20) requires all schools to respect the Convention in day-to-day educational activities.

22. Pedagogic centres and institutions of a consulting system created by the MEYS offer regular teacher education. Annually there are about 12 events at 6 pedagogic centres aimed directly at the issues of the rights of the child. Participants in the courses in the pedagogic centres are entered in it on the basis of their interest and applications. The awareness of teachers and students about individual articles of the Convention, their explanation and connection to the provisions of the Charter and the gradual change of the overall atmosphere of schools toward democratization and humanization is further increasing with the help of several projects such as Start Together (*Začít spolu*) and Community School (*Komunitní škola*), supported by the foundation the Open Society Fund. Several programmes for education in human rights are applied which received MEYS accreditation and are used for educating teachers:

(a) The project Education on Citizenship for elementary school grades 4-9, which tries to inspire teachers to explain basic documents on human, and thus also children's, rights;

(b) Education on the culture of human relationships in a multi-ethnic environment; the programme is applied, for example, in the Parochial High School in Kutná Hora and at the University of Pedagogy in Hradec Králové;

(c) The Democratic School programme has been applied since 1995 in the high school in Třeboň, the elementary school in Kladno and the special school in Rumburk, where a "school of human understanding" is operated;

(d) Human relationships and the contemporary school; the project is applied at the Secondary School of Pedagogy and the University of Pedagogy in Litomyšl and at the Faculty of Pedagogy of Jan Evangelista Purkyně University in Ústí nad Labem.

23. **To help teachers teaching human rights, in 1997 and 1998 the MEYS distributed the following materials through all school offices: The Rights of the Child in Documents (the text of the Convention), the text of the Universal Declaration of Human Rights, Education on Human Rights, the manual on education in human rights, and others. (See ibid., paras. 14, 31, 42.)**

24. **Since 1998 issues of children and youth under the Convention are included in the educational programme of all health-care workers. This training is provided by the Institute for Postgraduate Education in Health Care in Prague and the Institute for Further Education of Health-Care Workers in Brno. (See ibid., paras. 14, 31, 42.)**

25. **In military secondary schools, every year before the school year begins, as part of the assemblies of the officer-teaching body, preparation of commanders, caretakers and teachers on the theme of exercising the rights of the child is conducted. The Convention is fully observed in the life of students at the secondary military schools. (See ibid., paras. 14, 31, 42.)**

26. **Employees of social affairs departments in district offices and municipal offices are familiarized with the content of the Convention and its effects in the Czech legal order in special expert training, whose completion is a necessary prerequisite for the performance of their jobs in public administration. (See ibid., paras. 14, 31, 42.)**

27. According to the Czech Helsinki Committee, the Czech Republic has shortcomings in education on human rights in terms of teachers and caretakers in vocational and secondary vocational schools, which primarily train skilled workers. The inadequate human rights education at these vocational schools results, among other things, in the inclination of some of the students and apprentices toward extremist movements.

E. Cooperation with NGOs

28. The Committee on the Rights of the Child recommended that State authorities develop close cooperation with NGOs. At present this cooperation is primarily focused on supporting these organizations through subsidies. The MEYS supports those NGOs - civic associations, foundations and other non-profit organizations in whose articles of association issues of protecting the rights of the child predominate. These are DCI, the Czech UNICEF Committee, etc. The MEYS uses some of the specialized organizations for training qualified teachers.

F. Financing the Czech Republic's participation in EU educational programmes

29. The opportunity for the Czech Republic to participate in EU educational programmes - Socrates, Leonardo and Youth for Europe III - was officially opened by Decision of the Council on Accession No. 2/97 of 30 September 1997 (97/655/EC), which followed after the negotiation of the Additional Protocol to the Europe Agreement between the European Communities and the Czech Republic. The year 1998 was thus the first full year when these programmes operated under conditions of full membership. Participation has continued successfully in 1999, which is the last year for this phase of the programmes.

30. In 1997 the Czech Republic paid to the European Union the entry contribution fully from the national budget, in a total of CK 141,950,250 (ECU 3,639,750). For 1998 it asked the European Commission for the opportunity to cover part of the expenses of entry contributions in subsequent years from PHARE funds. The MEYS also paid the entry contribution for the programmes in 1998, in a total of CK 161,329,311. The Czech Republic paid entry contributions for the European Union educational programme for 1999 in the same ratio. Of the total amount of all three entry contributions, some CK 186 million was paid on 11 May 1999 and support from the PHARE programme was approximately CK 115 million.

II. DEFINITION OF THE CHILD

31. The term "child" was defined in the introductory report. For better orientation we specify a more detail information below.

Capacity for rights and obligations

32. Under section 7 of the Civil Code (as amended) the capacity of a natural person to have rights and obligations arises by birth. Under section 8, paragraph 1 of the Code a natural person's full capacity to acquire rights and assume obligations through his/her own actions (legal capacity) arises at the age of majority. Under paragraph 2 of the same section of the Code a person reaches the age of majority upon turning 18. Before reaching that age, one can acquire majority only, being 16 and older, by court decision in connection with entering marriage. Majority thus acquired is not lost through termination of the marriage or proclamation that the marriage is invalid. Under section 9 of the Civil Code minors have capacity only to such legal acts which are, by their nature, proportionate to the maturity of intellect and will corresponding to their age.

33. Also related to reaching majority are the provisions of section 13 of the Act on the Family (Act No. 94/1963 Coll., as amended by Act No. 91/1998 Coll.), which states that a minor cannot enter into marriage; however, exceptionally, if it is in accordance with the social purpose of marriage, the court may, for important reasons, permit a minor over the age of 16 to enter into marriage. Without such permission the marriage is invalid and marriage cannot take place with a minor under the age of 16 at all.

34. Under section 36 of the Act on the Family, parents represent a child in legal actions to which the child does not have full capacity. The rights and obligations specified here are held only by parents who have full parental responsibility. The regulations do not apply to cases where minors themselves have capacity to perform legal acts in a particular extent. For example, under section 11, paragraph 1, of the Labour Code (Act No. 65/1965 Coll., as amended) the capacity of a natural person to have rights and obligations in labour law relationships and to acquire these rights and assume these obligations through his/her own legal acts arises, unless specified otherwise, on the day when the natural person reaches the age of 15. A child over the age of 15 also has capacity to perform legal acts in a criminal trial, if he/she is in the position of the accused. In contrast, in custody matters the child has only limited capacity to perform legal acts, even though there may be an extremely serious effect on the child's rights, position and subsequent life (being committed to institutional upbringing, being entrusted to the care of one of the parents).

35. Parents represent children in personal and property matters. In purely personal matters, such as a consensual declaration of paternity of a child or the consent of a minor parent to the adoption of his/her child, one of the parents cannot act on behalf of the minor.

36. Under section 31, paragraph 3, of the Act on the Family, which was amended in 1998, a child who is capable, in view of his/her degree of development, of forming his/her own opinions and evaluating the effect of measures affecting him/her has the right to obtain needed information and freely express himself/herself about all decisions of the parents concerning significant matters about him/her and to be heard in all proceedings in which such matters are decided. According to information from NGOs the amendment of the Act on the Family narrowed this "participation right" of children, as the ability to form one's own opinions and evaluate the effect of measures affecting the child require a higher degree of development than the ability to formulate one's own opinions as provided by article 12 of the Convention. Under section 67, paragraph 2, of the Act on the Family a minor has the right to express consent or non-consent to the adoption of his/her child.

Inheritance

37. Minors who have reached the age of 15 can make a last will in the form of a notarial deed (provisions of section 476d, para. 2, of the Civil Code). Under section 479 of the Civil Code minor descendants must receive at least as much as their inheritance share under the law. If a will provides otherwise, it is invalid in that part, if the descendants named have not been disinherited.

Criminal responsibility

38. Under section 11, of the Criminal Code (Act No. 140/1961, as amended by later regulations) a person who has not reached the age of 15 at the time of committing a crime is not criminally liable. Sections 74 to 87 of the Criminal Code contain special provisions on the prosecution of minors (i.e. persons 15-18 years of age). For example, the provisions of section 79 state that sentences of prison terms provided in the Act are reduced to one half for minors, provided that the upper limit of the sentence may not exceed five years and the lower limit one year. If a minor committed a crime for which a special section of the Act permits imposing an exceptional sentence, and if the degree of danger of the crime is unusually high, the court may impose a prison sentence of up to 10 years. Under section 81 persons who have not reached the age of 15 serve prison sentences separately from other sentenced persons, in separate prisons or departments. In criminal law matters, under section 34 of the Criminal Procedure Code a legal representative has the right to assist a minor defendant (select a defence attorney, file requests and appeals on behalf of the minor, etc.). In the interests of the minor the legal representative can also exercise these rights against the defendant's will.

39. Under section 86 of the Criminal Code, under the specified conditions, a person who has reached the age of 12 and is younger than 15 can be sentenced to reformative upbringing in civil law proceedings.

40. The Criminal Procedure Code does not contain any provisions which would restrict or prevent questioning a minor as a witness. If criminal proceedings are conducted against a minor, i.e. a person over 15 and younger than 18, the authorities conducting the criminal proceedings act according to the provisions of sections 291 to 301 of the Criminal Procedure Code, which govern special proceedings against minors. A minor must have a defence attorney from the beginning of the criminal proceedings. It is also necessary in the proceedings to determine, as thoroughly as possible, the minor's degree of development in intellect and morals, his/her character, situation and the environment in which he/she lived and was raised, his/her behaviour before committing the crime and afterwards, and other circumstances important for choosing suitable means for correction, in particular for evaluating whether reformative upbringing is to be ordered for the minor (the provisions of section 292 of the Criminal Procedure Code). Determining the situation is generally done by a childcare authority (in District Offices). The provisions of section 293 of the Criminal Procedure Code contain the principle that keeping a minor in custody is only a means of securing his/her person, if other methods of achieving this aim are not available (see part VIII, chap. B).

Compulsory education

41. Under section 34 of the Schools Act (Act No. 29/1984 Coll. on elementary schools, secondary schools, and post-secondary occupational schools) compulsory education begins at the beginning of the school year following the day when a child reaches the age of six. Compulsory education lasts nine years, and students fulfil the requirement by completing the school year in which they reach the last year of compulsory education.

Employing children

42. **According to section 11 (1) of the Labour Code (Law No. 65/1965 Coll.) the age limit at which a child can be employed is 15 years. According to section 11 (2), a person, who completes compulsory school education in a remedial school before reaching the age of 15 can be employed as of the day when she/he completes the compulsory education; however, she/he must be at least 14 years old. The Labour Code governs conditions for employing minors (that is, persons aged 15-18 years of age) in part three, sections 163 to 168. The legal regulation states that an employer is required to ask for the legal representative's consent to conclude an agreement with a minor employee. The employer may not assign minor employees overtime work and night work. In exceptional cases minors aged 16 or more may perform night work not exceeding one hour, if it is necessary for their professional training. Minors may not be given work underground mining minerals or digging tunnels and shafts; minors also may not be given work which, taking into account the anatomical, physiological and psychological features at that age are disproportionate, dangerous, or damaging to their health. (See ibid, para. 23.)**

Conscription

43. Under section 11 of the Military Service Act (Act No. 92/1949) the duty for compulsory military service arises on 1 January of the year in which a man reaches the age of 18. Under section 14 of the Act, anyone who voluntary takes on a service duty which he would not otherwise have enters the armed forces voluntarily. A voluntary duty to serve arises only if the person in question is found capable of active military service. Permission for voluntary entry into the armed forces may be given to a citizen beginning on 1 January of the year in which he reaches the age of 17. Minors require the consent of their legal representatives for voluntary entry into the armed forces.

44. On 1 December 1999 the Act on the extent of compulsory military service and on military administrative offices (the Military Service Act) came into effect, replacing the previous Act No. 92/1949 Coll., the Military Service Act. The new legal regulation prohibits the duty to compulsory military service before a person reaches the age of 18.

Court proceedings

45. Under section 119 of the Civil Procedure Code (Act No. 99/1963) a person who has capacity to have rights and duties, or to whom the law accords it, has capacity to be a party to proceedings. Under section 22 a citizen who cannot act independently before the court must be represented by a legal representative. Section 178 of the Civil Procedure Code governs the court's ability, if it considers it appropriate, to hear the opinion of a child on the suitability and purposefulness of proposed or intended measures. Under section 182 of the Code the court shall hear a child being adopted if the child is able to understand the significance of adoption and the hearing is not in conflict with the child's interests.

Association

46. Under section 6 of Act No. 83/1990 Coll. on association of citizens, as amended by Act No. 68/1993 Coll., an association is created upon registration. An application for registration can be filed by at least three citizens, at least one of whom must be at least 18.

Religion

47. Under section 3 of Act No. 308/1991 Coll. on freedom of religion and the status of Churches and religious societies, legal representatives decide the religious education of children until they reach the age of 15.

Consuming alcoholic beverages

48. Under section 218 of the Criminal Code serving alcoholic beverages to person under the age of 18 is a criminal offence. The provision of section 4 (1) of the Law No. 37/1989 Coll. on protection from alcoholism and other addictions forbids serving, selling or otherwise providing to persons younger than 18 years of age any alcoholic beverage. The law also bans selling tobacco products to persons younger than 16 years of age. According to section 4 (3), the offices of government authorities can in their districts limit or ban the sale of addictive products, or other products which include these, to persons under the age of 18. According to section 5 of the Law, anyone who sells or serves alcoholic beverages is obliged to refuse the sale of them to a person who does not seem to fulfil the age condition, unless such a person proves her/his age by an official ID. The legal representatives of the child are obliged to follow all the above-mentioned bans as well.

Age of consent

49. Under section 242 of the Criminal Code intercourse with a person under the age of 15 is a criminal offence.

III. GENERAL PRINCIPLES

A. Non-discrimination

50. In the period under review the principle of non-discrimination was newly included in Act No. 1/1991 Coll. on employment, which was amended by Act No. 167/1999 Coll., which went into effect on 1 October 1999. The provision of section 1 of this Act states that a citizen has a right to employment. This right cannot be denied for reasons of race, skin colour, gender, sexual orientation, language, faith or religion, political or other belief, membership or activity in political parties or political movements, trade unions and other associations, nationality, ethnic or social origin, property, clan, health, age, marital and family status or family responsibility, with the exception of cases where the law so provides or there is a material reason for it consisting of the prerequisites, requirements and nature of the employment which the person is to perform and which are necessary for performance of this employment. Parties to legal relationships arising under this Act are forbidden to make offers of employment which are in conflict with the provisions of the above. Sanctions for violating this section are governed by

Act No. 9/1991 Coll. on employment and the jurisdiction of the authorities of the Czech Republic in the employment sector. The provisions of section 8 and section 9 of this Act regulate the inspection activity of the Ministry of Labour and Social Affairs and the Labour Office and the ability to levy a fine of CK 2,000-CK 1 million on the employer.

51. In June 1999 the Minister of Education submitted to the Government of the Czech Republic a topic outline of the new Schools Act. It is proposed that this Act, governing the area of pre-school, elementary, secondary, post-secondary vocational and non-school education, should include provisions on the rights of students and protection of children from all forms of discrimination, and on observing the child's right to dignity and observing equality between boys and girls.

52. The Committee on the Elimination of Discrimination against Women criticized the creation of so-called "household management" schools in the Czech Republic because, in its opinion, these schools serve to raise girls with traditional stereotypical concepts of men's and women's roles (A/53/38, para. 193). The Minister of Education closed schools with education programmes which could support this concept on 5 February 1997 by a decision on provisions relating to the termination of this field of study. The last students to be admitted began this four-year course in 1996. The field was replaced by three new fields of study relating to "household management": social services, economic-administrative services and public administration services. The original four-year course was also transformed in this way in private and parochial schools. The original two-year course exists in a very limited extent in places where there is interest in it - in the entire Czech Republic there are now 31 students in the second year. The representation of girls among students in pre-school education and in compulsory elementary school education (nine years in length with attendance beginning at the age of six) consistently reaches about 48 per cent, which corresponds to their representation in the population group. There are no differences between girls and boys in finishing elementary school. Opportunities for further education are open to all.

Romani children

53. The Committee, in its final evaluation of the initial report, recommended starting special programmes for Romani children. Changes in the education system related to Romani children have been taking place since 1992. Romani children can prepare to enter grade 1 of elementary school in preparatory classes. At the instructions of MEYS, these classes are established for children from socially and culturally disadvantaged environments, for Romani children, for children with a different native language, but also for Czech children for whom compulsory education has been postponed. They can be established in an elementary school, a special school, and in exceptional cases in a kindergarten. Preparatory classes in elementary schools have been the most successful. The result is improved attendance, and better cooperation with parents. Attendance is free of charge, and the child can become familiar with the environment where he/she will be educated. The aim of preparatory class activities, regardless of the type of school in which they are established, is to prevent the failures of Romani and other children from socially and culturally disadvantaged environments at the beginning of their education. A high percentage of preparatory class graduates are successful at the beginning of their attendance in elementary school.

Preparatory classes created in the Czech Republic since 1992

School	1992	1993	1994	1995	1996	1997	1998	1999	Total
Elementary	1	8	4	5	1	3	2	26	50
Special elementary	0	0	0	0	0	0	0	4	4
Special	10	4	6	1	7	3	0	15	37
Kindergarten	0	0	0	0	0	0	0	8	9

54. In the 1998/99 school year there were 100 preparatory classes with 1,237 students in the Czech Republic.

55. To more easily overcome communication, adaptation and other obstacles for children in preparatory classes and in further education, the position of a Romani teaching assistant can be established in a school. The assistant's work is aimed at:

> Assistance for teachers in the teaching activity itself, in communication with Romani children, in individualizing teaching and removing behavioural and educational difficulties;
>
> Assistance with activities outside the classroom and outside the school;
>
> Cooperation with parents;
>
> Cooperation with the local Romani community.

An assistant must be at least 18 and must complete a 10-day course of basic teaching skills training. As of 1 September 1999 there were 146 Romani assistants in schools; their salaries are reimbursed by the MEYS.

56. An application to establish the position of an assistant is filed by a school principal; the School Office approves the principal's application and recommends it to the Ministry of Education together with an application for funds. The school principal proposes the assistant's pay scale. The Statute for experimental testing of preparatory classes (14 169/98-22) cancelled the requirement for Romani teaching assistants to have completed secondary education. In 1998 the New School Foundation, Prague arranged the organization and financing of a basic teaching skills training course for 35 teaching assistants. Humanitas-Profes, o.p.s. Praha won the competition for organizing basic teaching skills training courses. In April 1999 a course was held for 22 assistants, and 28 assistants were trained in October. Another course for assistants will be held in January 2000 and subsequently courses will be gradually organized, so that every assistant will be trained. The courses are reimbursed out of the budget of the MEYS. The work of Romani assistants has received very positive evaluations from school principals. After initial mistrust from teachers the assistants have become partners in the childrearing work of schools and parents. Student absence from schools has significantly decreased, and parents' interest in the success and behaviour of their children has increased.

57. **All District Offices have consultants for minorities or specifically Romani consultants; part of their agenda is work with children. (See ibid, paras. 15 and 32.)**

Special school

58. A special school is defined in the Schools Act as a school which educates students with intellectual deficiencies due to which they cannot be educated in an elementary school or a special elementary school. The graduates of a special school can thus attain only such education as would permit them to enter a vocational school or a practical school intended only for the graduates of special schools. Only children with slight mental retardation should attend the special schools. However, other students with special education needs (for example, students afflicted with several defects simultaneously, students with a medical diagnosis of autism or features of autism, students with more severe forms of light brain dysfunctions, students with severe health problems, e.g. epilepsy, diabetes, allergies, etc., students with learning and behavioural disabilities, and students from a socio-culturally disadvantaged environment, particularly Romani students) also attended the schools.

59. On 10 October 1997 the Committee expressed dissatisfaction with the inadequate provisions for prevention and the fight against all forms of discriminatory practices aimed against minority children, including Romani children. It recommended that the Czech Republic make greater efforts to reduce discriminatory practices against the Romani population and that it start to implement special programmes for raising the standard of living and the standard of education and health of Romani children. The Committee for the Elimination of Racial Discrimination (CERD) also addressed the matter of Czech special schools in its evaluation of the Czech Republic's initial and second periodic report on the fulfilment of the International Convention on the Elimination of All Forms of Racial Discrimination. CERD pointed with dissatisfaction to the marginalization of the Romani community in education, evidence that a disproportionately large number of Romani children were placed in special schools, leading to de facto racial segregation, and significantly diminished representation by the Roma in secondary and higher education; these provided grounds for doubts about the full implementation of article 5 of the Convention (CERD/C/304/Add.47, para.13).

60. The European Roma Rights Centre in Budapest (an NGO) also pointed out the gross disparity between practice and the rights guaranteed by the Czech constitutional order and the European Convention on the Protection of Human Rights and Fundamental Freedoms. It succeeded in persuading the parents of Romani children to file constitutional complaints against the placement in special schools. The complaint is based on the fact that the parents were not warned adequately about the consequences of completing special school instead of elementary school as far as further education and placement in the job market are concerned. On 15 June 1999, Romani parents in Ostrava filed a complaint with the Constitutional Court of the Czech Republic concerning 12 Romani children placed in special schools in violation of regulations or through deception, i.e. a complaint in a matter of violation of human rights. On 8 November 1999 the Constitutional Court rejected the complaint, stating that it did not have jurisdiction over part of the complaint, and it evaluated the part of the complaint against specific decisions by principals of special schools as clearly unsubstantiated. Nonetheless, the Constitutional Court recommended that those parts of the complaint over which it did not have jurisdiction be addressed by the appropriate administrative bodies of the Czech Republic.

61. On 28 July 1999 the Government passed a resolution on a draft law proposed by several members of Parliament which would change the currently valid Schools Act. The change is to increase the flexibility in transferring within the school system and allowing all those who completed compulsory education a free choice in their further education and a free choice of occupation. Once the amendment has passed, in addition to applicants who have successfully completed elementary school, all applicants who have fulfilled the conditions for acceptance by proving suitable abilities, knowledge and interests, and the conditions required for the chosen field of study - i.e. also graduates of special schools - are to be accepted to study in secondary schools. The draft was submitted by several members of Parliament from opposition parties, headed by Monika Horáková (Freedom Union). The Government recommended the draft to the Chamber of Deputies. On 9 December 1999 the Chamber of Deputies approved the draft and passed it to the Senate.

Children without Czech citizenship

62. The education of children of foreigners who are not citizens of the Czech Republic, with the exception of citizens of the Slovak Republic, whose education is governed by the treaty between the Government of the Czech Republic and the Government of the Slovak Republic on cooperation in education of 29 October 1992, is governed by the instruction of the MEYS on the education of foreigners in elementary and secondary schools and post-secondary vocational schools, including special schools (ref. No. 18 062/96 - 21, Bulletin of the MEYS No. 7, volume 1996). The instruction states that the following categories of foreigners will be educated in elementary and secondary schools under the same conditions as citizens of the Czech Republic: foreigners with a permanent or long-term residence permit, foreigners who were granted temporary asylum and foreigners who are applying for or have been granted refugee status on the territory of the Czech Republic. Children facing deportation are excluded from education. Children who find themselves in the position of illegal immigrants through no fault of their own are thereby excluded from education.

63. Minor and juvenile applicants for refugee status who have not completed elementary education are provided free education if they are of the age for compulsory education, including education for children in institutions and reformatories. Children's centres are established in all refugee camps for pre-school-age children. The centres are equipped similarly to kindergartens. Here children have an opportunity to spend their leisure time actively, improve in abilities appropriate to their age and develop their language skills. Before entering elementary school the children in refugee camps complete a course in the Czech language of one to three weeks. This category of juveniles does not have access to secondary school during the asylum process. Applicants for refugee status have an opportunity to attend a course in the Czech language in refugee camps.

64. The new law on asylum does not address the issue of educating foreigners in elementary and secondary schools. Under the proposed regulation asylum-seekers will be considered foreigners who have been granted permanent residence, and in view of this fact they should be given the most favorable status.

65. Two protocols to the treaty of 1992 have been concluded between the Ministry of Education, Youth and Sports of the Czech Republic and the Ministry of Education of the Slovak Republic, on cooperation in the area of education for the years 1995-1998 dated 20 April 1995 and for the years 1998-2001 dated 15 January 1999.

66. Under section 3, paragraph 6, of MEYS decree No. 291/1991 Coll. on elementary schools, a school principal assigns children of foreigners to the appropriate grade after determining the level of their prior education and knowledge of the language in which they will be taught.

67. The method instruction of the MEYS on education against racism, xenophobia and intolerance ref. No. 14 423/99-22 (see annex 1) was issued in 1999. The instruction is addressed to school principals and teachers of all types of schools and school facilities. The Czech school inspection will consider its observance in inspection reports.

Children with disabilities

68. Protection of disabled children is given by the appropriate legal regulations, and a government resolution publishes the National Plan for Equalizing Opportunities for Citizens with Medical Disabilities (see annex 2), which sets clear, specific assignments for individual ministries for protection of disabled children. The Government passed this plan by resolution No. 256 of 14 April 1998. The National plan contains the following aims of education:

(a) To attain a situation where each child with medical disabilities acquires the maximum possible education;

(b) In accordance with the recommendations of international declaration and standards, to consider it natural and a priority to place children with a disability in a normal school with special teaching support;

(c) To preserve the solid level of special education, but to use its capacity more and more only for children with the most severe disabilities;

(d) To create all necessary conditions for increasing the number of persons with medical disabilities who attain secondary and higher education;

(e) To support secondary educational programmes including the maximum amount of experience directly usable in real life in the open labour market;

(f) To expand the number of opportunities for life-long education of those with medical disabilities;

(g) To remove from our legal order the institution of "exemption from compulsory education"; to address meeting the right to education for children with severe mental disability by, among other things, the institution of "exemption from the duty to attend school" if, in exceptional cases, the child's regular presence in school is not possible;

(h) To provide education for severely mentally disabled children primarily through fulfilment of an individual educational plan while providing regular transportation for them to special schools or facilities where special pedagogical care is arranged under the jurisdiction of the Ministry of Education, Youth and Sports.

69. Individual aspects of protection of disabled children are affected by, for example, Act No. 29/1984 on elementary and secondary schools (the Schools Act), as amended by later amendments, and Act 76/1978 on school facilities, as amended by later amendments. On the one hand, these laws provide the basic legislative framework for accepting children with medical disabilities; on the other hand, some of them contain provisions which directly apply to disabled children. These school acts are then followed by decrees, above all decree No. 127/1997 on special schools and special kindergartens.

70. On 28 October 1993 the United Nations adopted the Standardized Rules for the Equalization of Opportunities for Persons with Disabilities. These rules represent a very important document, which disabled persons' organizations can use in campaigns for equal rights. Of course, they do not have the validity of international law, nor are they anti-discrimination legislation.

71. The opportunity to supplement elementary education at the level of the elementary school (method instruction ref. No. 17 908/95-24) and special school (ref. No. 18371/96-24) has been expanded for citizens with more severe medical disabilities, effective 1 September 1998, by decision of the Deputy Minister of Education, ref. No. 19096/97-24 on supplementing education provided by remedial school. Education is supplemented by, among other things, courses for acquiring the education provided by a remedial school (implemented as an experiment under section 58 (a) of the Schools Act). Study in the cited courses is also considered, for purposes of government social support and pension insurance, as systematic preparation for a future occupation, and participants are therefore financially supported by the State.

72. Barrier-free facilities for handicapped children are gradually being created in schools of all levels. Centres for visually disabled students function in some universities and are financially supported by the MEYS. For example:

(a) The Institute for the Rehabilitation of the Visually Disabled in the School of Physical Education and Sports of Charles University organizes courses in basic rehabilitation and spatial orientation for instructors of the visually disabled, provides education and training to the visually disabled and their family members, conducts expert seminars and other forms of education and services for the visually disabled, and participates in awareness-raising activities (exhibitions, radio broadcasts). The Institute has foreign cooperation with expert organizations in the Netherlands, Ukraine and Humboldt University in Berlin. The average annual subsidy from the MEYS is around CK 1,480,000;

(b) The Laboratory Carolina at the School of Mathematics and Physics in the Czech Technical University (České vysoké učení technické) in Prague provides counselling and organizes half-year basic computer courses for the blind, as well as courses for those with limited vision and specialized courses in programming and work with the Internet. After completing the basic courses those with severe visual disabilities can use the laboratory on their own. The average annual subsidy from the MEYS is around CK 460,000;

(c) The Laboratory Tereza at the School of Nuclear Physics and Engineering is a special study room for the blind, which serves not only students in the Mathematics Department of the school, but all blind students in Prague universities and secondary schools. It is equipped with special technology and software. Department employees transfer certain teaching texts into digital form and organize expert seminars. The average annual subsidy from the MEYS is around CK 550,000.

B. Best interests of the child

73. Authorities for the social and legal protection of children (District Offices, municipalities, Ministry of Labour and Social Affairs) are aware that they should be guided in the care of children and provision of social and legal protection by the principle of the best interests of the child, which is contained in, besides the Convention, the Act on the Family. This principle is also contained in the new law No. 359/1999 Coll. on social and legal protection of children, which emphasizes that social and legal protection is protection of the child's right to healthy development, proper care in the family and other justified interests, and that prevention is part of protection. The new law addresses the right of the child - but also the right of a parent - to obtain help, the right of the child to express his/her opinion and to speak with a social worker in private, to have his/her opinions taken into account in considering upbringing measures, etc. A child has a right to ask for help even without the knowledge of parents or other persons responsible for raising the child. The law comes into effect as of 1 April 2000.

74. The Czech Helsinki Committee Report on the Status of Human Rights in the Czech Republic in 1998 says concerning the legal regulation preceding the new law:

> "Social and legal protection of children is handled today by Departments for Family and Child Care in District Offices. These departments record more than half a million cases a year. The most frequent activities of social workers (it is in large part women who work in this profession) include representing children in the role of a custodian in court sessions in proceedings to arrange the situation of minors, in determining or denying paternity, in deciding on alternative family care and in other situations which concern children... However, the social workers are not always fully qualified to represent children's rights. They are not, nor can they be, a fully qualified adversary to the other side's attorney."

75. The following table presents the number of children represented by workers in the departments for family and childcare:

	1995	1996	1997	1998
Number of children	129 887	128 802	125 280	124 977

76. During the period under review, social and legal protection of children was covered by regulations on social security and the Act on the Family, in which it is defined as protection of the child's rights to healthy development, proper upbringing and protection of the legitimate interests of the child, including protection of his/her property. The aim of the new Act is to strengthen protection of the rights of the child and his/her position in relation to principles sketched out in international documents, in particular the Convention, and respond to new social threats to the child from various negative influences, such as expressions of violence against children and addiction (alcoholism, drug addiction, gambling, pornography, commercially directed sexual abuse).

77. The Act specifies a circle of children to whom the social and legal protection bodies need to devote special attention, and defines instruments for protecting children. The Act regulates cooperation not only between bodies for the social and legal protection of children, but also other entities which operate in the area of care for children, such as school, medical, and other similar facilities. Clear rules are set out for arranging adoption and foster care (organization, procedures, cooperation between individual entities, content of consulting for substitute family care). The monitoring of development of children in institutional upbringing is new. The Act also regulates assistance to children who do not have permission for permanent or long-term residence on the territory of the Czech Republic and children who find themselves on the territory of a foreign State unaccompanied, under the European Union Council resolution of 26 June 1997 on unaccompanied minors who are citizens of third countries.

78. The Act also governs establishing facilities for social and legal protection - facilities for expert counselling on care for children, facilities for social-educational activity, facilities for children needing immediate assistance, educational-recreation camps and facilities for foster care. The Act permits non-State entities to perform a specified range of social and legal care activities under certain conditions. Nevertheless, activities which represent a basic intervention in the position of the child or persons responsible for him/her remain restricted to State bodies.

79. The Act also amends other legal regulations, of which the most significant is the amendment to the Act on misdemeanours that introduces new elements of misdemeanours, which should better protect children from mistreatment, neglect and abuse through physical work. The new Act on social and legal protection of children should have a specific distinctive position in addition to other legal regulations which protect children, such as the Act on the Family, the Civil Code, the Civil Procedure Code, the Criminal Code and the Criminal Procedure Code.

80. In practice social and legal protection of children is performed by social workers (employed in the Department of Social Affairs at District Offices or in the Department for Family and Child Care) who, however, cannot simultaneously perform preventive, curative and punitive functions, as they are very few in number.

81. A child's education is a State-protected right. Under article 33, paragraph 1, of the Charter, everyone has a right to an education. School attendance is compulsory for the period set by law. This creates an obligation for legal representatives to register a child to complete

compulsory education. The legal regulations governing Czech schools are derived from the text of the Constitution and the Charter. The basic legal framework of the current school system consists of five basic laws:

- Act on the system of elementary, secondary and post-secondary occupational schools (No. 29/1984 Coll., as amended);
- Act on pre-school and school facilities (No. 76/1978 Coll., as amended);
- Act on state administration and local government in education (No. 564/1990 Coll., as amended);
- Act on universities (No. 111/1998 Coll., as amended).

82. NGOs for children and youth communicate with the MEYS and address their needs through the following:

(a) The Chamber of Youth - a consulting body to the Deputy Minister, which holds regular meetings roughly once a month;

(b) The Commission for Mobility of Youth - a consulting body to the Deputy Minister for International Youth Exchanges (including information from youth representatives in non-State structures of the Council of Europe which represent youth organizations);

(c) Cooperation with civic associations of children and youth in creating subsidy procedures and State policy for youth;

(d) Participation by representatives of civic associations of children and youth in MEYS decision-making on providing subsidies (about CK 160 million) to programmes for the support and protection of children and youth;

(e) Permanent cooperation with NGOs and their support in the area of minorities (Polish, Romani);

(f) Exchange of information with DCI;

(g) Children's and youth parliaments.

83. School Offices, teaching centres, special teaching centres and the appropriate principals of schools organize additional education for teachers who have completed university studies. This education is divided according to individual subjects. The issues of the Convention are included in the subjects civic education and family education.

84. Employees in children's institutions and reformatories are schooled by the Ministry of Education in issues relating to the application of the Convention in these facilities. The basic rights of children arising under the Convention are an inseparable part of all internal regulations of these facilities. Training the employees of these facilities takes place at two levels: on the

one hand, through standard educational events held by teaching centres in the area, and on the other hand, specialized seminars organized by the Department for Special Education in cooperation with Humanitas Profes, o.p.s. and the Centre for Human Rights Education of the European Information Centre at Charles University, Prague; an average of three specialized training seminars have been held annually since 1997.

85. In teachers' pre-graduate university studies, information about the Convention is included in the area of civic education, as well as in various lectures and seminars for all future teachers, such as social politics or fundamentals of education. Information about the Convention for teachers and others involved in human rights teaching is published through the Centre for Human Rights Education or the Office of the United Nations High Commissioner for Refugees (UNHCR).

C. The right to life, survival and development

86. At the end of 1998 the Czech Republic had 525,542 residents aged under 19. This age group is 25 per cent of the total population of the Czech Republic. A declining birth rate is one of the characteristic features of current demographic development. The birth rate has been declining since 1975, with the exception of 1988 and 1990. In 1994 the smallest number of children were born in the Czech Republic since 1785. In 1997 and 1998 the decline in the birth rate stopped.

87. A significant positive feature is the decline in abortions. Since 1989 the number of artificial terminations of pregnancy has been gradually declining as a result of the increase in the number of women who use medically monitored contraception.

88. Primary health care for children aged up to 18 is provided by children's and adolescents' doctors, of whom there were 2,202 in 1998. These doctors conducted a total of 17,500,253 treatments of children and adolescents and work closely with other specialists in the area of paediatrics and adolescent medicine.

89. So-called integrated early care for newborns and infants with various kinds of disabilities is developing in the Czech Republic again. As a rule these are outpatient facilities and they provide, apart from necessary medical care, social services and the services of clinical psychologists, both for children and for the entire family. This is a set of services and programmes provided to children who are endangered in their social, biological and psychological development and children with health problems and their families. Their aim is to anticipate disability and prevent or mitigate its consequences, create the requirements for social integration, and minimize the negative effects of affliction on the development of the child and his/her family and their dependence on social care.

D. Respect for the views of the child

90. The Amendment to the Act on the Family newly regulated the right of a child who is able to form his/her own opinion and evaluate the effects of measures which concern him/her to be

heard and the right to express himself/herself freely about all his/her parents' decisions concerning significant matters about the child in all proceedings where such matters are decided, as well as the right to obtain necessary information.

91. Respect for the child's opinions is regulated by the provision of section 8 of the Act on social and legal protection of children, which states that a child who is able to formulate his/her own opinions has the right, for purposes of social and legal protection, always to express freely these opinions in the handling of matters which concern him/her, even without his/her parents or other persons responsible for his/her upbringing being present. These expressions are to be paid due attention to, in a manner appropriate to the child's age and intellectual maturity.

IV. CIVIL RIGHTS AND FREEDOMS

92. Civil rights and freedoms are protected, in particular, by the Charter.

A. Name and nationality

93. Registration of a child immediately after birth is governed by Act No. 268/1949 Coll. on birth, death and marriage registers, as amended by later regulations. Section 10 lists the facts which are recorded in the register of births:

(a) Name, surname and sex of the child;

(b) Day, month, year and place of the child's birth, as well as the order of birth, if the child was born together with another (twins) or several children;

(c) The child's State citizenship;

(d) Name, surname, day, month, year and place of birth, occupation and residence of the parents, as well as the names and surnames of the grandparents;

(e) The parents' agreement on the child's surname, if the parents' surnames differ;

(f) The date of the record.

94. Section 13 stipulates the duty of the person who assisted in the birth (doctor, midwife) to report the child's birth within seven working days. The mother may fulfil the reporting duty later, as soon as she is able to make the report.

95. Section 16 states that if someone finds a child who is not able to provide data necessary to identify him/her, that person is required to fulfil the reporting duty without delay. The birth register office will conduct the necessary investigation to determine the child's identity and record the birth according to the results.

96. The Czech Republic ratified the Framework Convention for the Protection of National Minorities (announcement of the Ministry of Foreign Affairs No. 96/1998 Coll.). The Framework Convention went into effect for the Czech Republic on 1 April 1998. Under

article 5, paragraph 1, of the Convention the parties undertake to support the conditions necessary for members of minorities* so that they can preserve and develop their culture and keep the fundamental elements of their identity, particularly their religion, language, traditions and cultural heritage.

97. On 5 January 2000, the Government submitted to the Chamber of Deputies a draft of a new law on birth registers, name and surname. The draft includes, for example, certain changes concerning a child's name and surname, entry into the register of births, etc. The main change was that a child can have two names recorded on his/her birth certificate. This would be based on the parents' request and the legal regulations in foreign countries. If this law is passed, parents would gain the ability to determine the child's surname by agreement. Consent would be required from a child older than 15.

98. **Act No. 194/1999 Coll., which amends Act No. 40/1993 Coll. on acquisition and loss of the State citizenship of the Czech Republic, contains several changes which should improve the situation of children in the matter of State citizenship. The changes mainly concern the problems following the split of the Czechoslovak Federation into two new and independent countries. A new provision, under which every former Czechoslovak citizen living de facto (even if illegally) on the territory of the Czech Republic since the division of the Federation can acquire Czech citizenship by declaration, regardless of whether he/she has Slovak citizenship which they will not have to give up, as they did before, also applies to children.**

99. **Section 18a, paragraph 3, permits parents who have lived on the territory of the Czech Republic since before the division of the Federation to include a child under 15 in the declaration on acquisition of Czech citizenship; they will also be able to make an independent declaration for the child. Section 18a, paragraph 5, addresses the situation of certain children living in institutions and children's homes: if both parents of a child under 15, living on the territory of the Czech Republic, are stripped of their parental responsibility, or the exercise of their parental responsibility is suspended or restricted, or they do not have legal capacity, a court-appointed guardian, or custodian of the child can make the declaration; the consent of the parents is not required in these cases.**

100. **Finally, the amendment to the Act on Citizenship provides in section 18 that persons (including children) who were Czech citizens as of 1 January 1992 and chose Slovak citizenship after the split of the State did not lose their Czech citizenship through this choice. Section 27c newly regulates the acquisition of the State citizenship of the Czech Republic in the case of children who were adopted before the amendment to the Act on acquiring and losing State citizenship of the Czech Republic, No. 272/1993 Coll., was passed. The proposed amendment to the Act also provides that in future those Czech citizens who acquire Slovak citizenship by naturalization will not lose their Czech**

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* "Minorities" and "minority" here and in the following text mean national and ethnic minorities under part III of the Charter of Fundamental Rights and Freedoms, published under No. 2/1993 Coll., which is part of the constitutional order of the Czech Republic and which has the legal force of the Constitution and constitutional laws, and minorities under the Framework Convention for the Protection of National Minorities.

citizenship, provided that they were Czechoslovak citizens; this too will apply to children born before 1 January 1993. Romani or minority advisers at District Offices provide consulting services in matters relating to state citizenship. (See ibid., paras. 16 and 33)

101. The process of accession to the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961 is currently taking place in the Czech Republic.

B. Preservation of identity

102. Refer to chapter IV. A (Name and nationality).

C. Freedom of expression

103. In June 1999 the Government submitted to the Chamber of Deputies a draft of an Act on the rights and duties of publishers of periodicals (Press Law), which approves the ban on censorship and the freedom of speech. One of the draft's basic features is provisions to ensure the protection of society in cases where the contents of the periodical press violate the constitutional order of the Czech Republic or the democratic order of human rights and fundamental freedoms guaranteed by the Charter. In these cases protection is entrusted to an independent court, which will be authorized to impose on a publisher who permits the content of a periodical published by him/her to be in violation of the law, an obligation to pay monetary satisfaction to the State. The court may also decide on a temporary ban on publication of the periodical in question, or a ban on its distribution in the Czech Republic. The Chamber of Deputies approved the draft on 7 December 1999 and passed it to the Senate. At its first session in 2000, the Senate Committees recommended to return the draft to the Chamber of Deputies.

104. We also refer to data on the Act on Freedom of Access to Information in chapter IV. G.

D. Freedom of thought, conscience and religion

105. Under section 1 of Act No. 308/1991 Coll. on freedom of religion and the status of Churches and religious societies, each person has the right to freely express his/her religion or faith alone or together with others, privately or publicly. Each person has the right to change his/her faith or to be without a religious affiliation. As of 30 September 1999, 21 Churches and religious societies were registered in the Czech Republic.

106. Freedom of religion is also protected by section 236 of the Criminal Code, which says that anyone who through force, threat of force, or threat of other severe injury

(a) Forces another to participate in a religious act;

(b) Prevents another from such participation without authorization; or

(c) Otherwise prevents another from the exercise of freedom of religion;

will receive a prison sentence of up to one year. However, the same law states that legal representatives decide on the religious education of children up to the age of 15 (sect. 3).

E. Freedom of association and peaceful assembly

107. Under section 6 of Act No. 83/1990 Coll. on association of citizens, an association is created by registration. An application for registration can be filed by at least three citizens, at least one of whom must be over 18. This indicates that citizens under 18 may participate in founding an association.

108. The Criminal Code protects freedom of association and assembly in section 238a, which states that anyone who restricts another through force, threat of force, or threat of other serious detriment in the exercise of his right of association or assembly will receive a prison sentence of up to two years or a fine.

F. Protection of privacy

109. The right to protection of privacy is governed by the Civil Code, which states in section 11 that a natural person has a right to protection of his/her person, particularly life and health, civic honour and human dignity, as well as his/her privacy, name and personal expression.

110. In the review period Act No. 256/1992 Coll. on protection of personal data in information systems was in force. This Act governs protection of personal data, the obligations of entities which handle personal data, and the liability of operators of information systems. This Act also specified special categories of data which are considered sensitive. However, Act No. 256/1992 Coll. is not compatible with the legal regulations of the Council of Europe and the European Union in this area, primarily because no independent body to monitor protection of personal data has been established yet, and the Act does not set penalties for its violation. Therefore, the Government decided to develop a draft of a new act, which will be harmonized with European Parliament and Council Directive 95/46/EC and with Council of Europe Convention No. 108. After the necessary legislative process the Government approved the new draft law on 22 September 1999. It is expected that the new act on protection of personal data will go into effect in the course of 2000.

111. The Act on the Family authorizes an employee in social and legal protection or another person entrusted with the protection of a child to visit the minor in his/her home, determine in his/her home, school or place of work whether he/she is duly cared for, and to investigate the conditions of his/her upbringing. In this way, the State carries out its obligation to ensure a child such protection and care as is necessary for his/her well-being (art. 3 of the Convention) and its obligation to take the necessary legislative, administrative and upbringing-related measures to protect the child from maltreatment (art. 19 of the Convention). Therefore, the Act on the Family and Act No. 114/1988 Coll. on the social security authorities in the Czech Republic, as amended, break through the constitutionally guaranteed protection of privacy. Under the Act on social and legal protection of children, parents or other persons responsible for a child's upbringing will be able to request access to a file, which the District Office shall grant, if it is not in conflict with the interests of the child.

112. Violation of the right to privacy is provided in the Criminal Code in the form of elements of the crimes of unauthorized use of personal data (sect. 178), slander (sect. 206), violation of domestic freedom (sect. 238) and violating the privacy of transmitted messages (sect. 239).

G. Access to appropriate information

113. The right to access to information is guaranteed by article 17, paragraph 1, of the Charter:

(a) Freedom of expression and the right to information are guaranteed;

(b) Everyone has the right to express his/her opinions in words, letters, print, pictures, or another method, as well as to freely seek, receive and spread ideas and information regardless of State boundaries;

(c) Censorship is not allowed;

(d) Freedom of expression and the right to seek and spread information can be restricted by law, if it is a measure necessary in a democratic society for the protection of the rights and freedoms of others, national security, public safety, public health or morals;

(e) State bodies and bodies of local administration are required to provide information on their activities in an appropriate manner; conditions and methods are set by law.

114. **In May 1999 Parliament approved the Act on freedom of access to information, which governs the provision of information related to the jurisdiction of State bodies and local administration bodies. In particular, it governs free access to information and provides conditions under which information is provided. The Act was published in the Collection of Laws under No. 106/1999. (See ibid., para. 17.)**

115. **At the present time section 205 of the Criminal Code (endangering public morals) is in effect, which protects children against pornography. Paragraph 2 of this section states that anyone who**

(a) Offers, lends or makes accessible to a person under the age of 18, pornographic written works, sound or visual recordings or pictures, or

(b) Exhibits them or otherwise makes them accessible at a place which is accessible to persons under the age of 18, shall receive a prison sentence of up to one year, a fine, or forfeiture of a thing.

(See ibid.)

116. Article 17 (c) of the Convention concerns the creation and dissemination of books for children. After a certain decline in the publication of children's literature after 1989 there has been gradual mild growth. State support for the publication of illustrated creative works for children and youth is given through a grant which has been announced by the Minister of Culture regularly since 1997.

117. Support for the relationship of children and youth to libraries and books as a source of information is declared in the outline of the culture policy in the Czech Republic. The departments for children and youth in public libraries regularly organize round tables and competitions, and issue publications and bibliographies intended for children and youth. As part of the grant from the Ministry of Culture, public libraries received a total of CK 730,000 for these activities.

118. Access to appropriate information is also ensured by Act No. 273/1993 Coll. on certain conditions for the creation, dissemination and storage of audio-visual works, and on the amending and supplementing of certain laws and certain other regulations, section 4 of which states that audio-visual works whose content could endanger the moral development of minors shall have an accessibility limit set at the age of 15 or 18. Other measures are also partly provided by Act No. 468/1991 Coll. on operating radio and television broadcasting; section 6 provides that operators are required to see to it that broadcasting of commercials does not include either commercials which support behaviour which endangers morals, consumer interests or the interests of protection of health, safety or the environment, or commercials directed at children or in which children appear, if they support behaviour which endangers their health or psychological or moral development. (See ibid.)

119. On 5 January 2000, the Government approved the draft of a new act on operating radio and television broadcasting which devotes more attention to the protection of children and youth. In addition to restrictions in commercials, it bans programmes which can seriously interfere with the physical or moral development of children and youth, because of their depiction of violence or their pornographic character; programmes capable of endangering the physical, spiritual or moral development of children and youth may not be broadcast in the period from 6.00 a.m. to 10.00 p.m.; radio and television broadcasting operators are required to ensure that the broadcast of a programme which can seriously interfere with the physical, spiritual or moral development of children and youth is immediately preceded by a verbal or visual warning that it is unsuitable for children and youth. (See ibid.)

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

120. On 1 January 1993 the Czech Republic, as one of the successor States to the Czech and Slovak Federative Republic, became a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is an international treaty on human rights and fundamental freedoms under article 10 of the Constitution of the Czech Republic; thus it is directly binding on everyone and has priority over domestic law.

121. The prohibition of torture and other inhuman or cruel treatment and sanctions for it are contained in section 259a of the Criminal Code. Section 242 of the Criminal Code protects children from sexual abuse.

122. Section 215 of the Criminal Code, which expressly protects children from cruelty, states that anyone who mistreats a person who is in his/her care for upbringing shall be punished by a prison sentence of six months to three years. The perpetrator shall be punished by a prison sentence of two years to eight years if he/she commits the crime stated in paragraph 1 in an especially brutal manner or against more than one person, or continues to commit the crime for a prolonged period.

123. Protection is provided not only to minor children, but also to adult persons who are for any reason (illness, age, invalidity, mental retardation, etc.) entrusted to the care of other persons, regardless of the basis - legal regulation, court decision, agreement, etc. - for the care or upbringing. Torture means not only causing physical suffering, but also psychological torture.

124. At the present time children learn about their rights not only in school, but particularly from campaigns, organized mainly by NGOs concerned with the torture of children (e.g. the Fund for Endangered Children, the Our Child Foundation, etc.).

125. The situation of children living in social care institutions, children's homes, diagnostic institutions and institutions for upbringing is unique. Some institutions employ staff whose quality is not quite appropriate for the children's needs. The main inadequacy is that not only the support staff, but even the caretakers and attendants do not have to undergo psychological testing to determine whether they have a good relationship with children and the ability to provide proper care, including the handling of stressful situations. The staff do not even have to present a copy or an extract from the criminal register. Thus, cases occur where children are exposed to degradation, threats and insults. Romani children also encounter racism on the part of staff. In 1999 the Commissioner for Human Rights handled a case where two caretakers in a children's home publicly insulted and attacked Romani children with racist insults and rough treatment. The director of the children's home filed a criminal report against both employees for defamation of ethnicity, race and faith and both employees left the institution.

126. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in its report of 15 July 1997 recommended to the Czech Republic that staff of facilities for children and youth be selected carefully. The management of such facilities should be entrusted to persons who are capable managers and are able to actively react to the complicated demands of staff and wards. From 16 to 26 February 1997 the Committee visited certain police facilities, prisons and facilities for youth in the Czech Republic. The Government of the Czech Republic responded to the Committee's report and recommendations with a preliminary and subsequent report. In these reports the Government provided explanations and its position on individual recommendations and provided information about measures taken.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance

127. As stated in the initial report, article 32 of the Charter provides that parenthood and the family are protected by law and guarantees special protection of children and youth. It states that parents have a right to care for and bring up their children and that children have a right to be brought up and cared for by their parents. Parents' rights may be restricted and minor children

may be separated from their parents against their will only by a court decision based on law. Parents who care for children have a right to State assistance. Family relationships are governed by the Act on the Family.

B. Parental responsibilities

128. Parental responsibility is newly regulated by the Act on the Family in sections 31-34. Section 31, paragraph 1, defines parental responsibility as the aggregate of rights and obligations:

(a) When caring for a minor child, including in particular care for the child's health and physical, emotional, intellectual and moral development;

(b) When representing a minor child;

(c) When managing the child's property.

129. Paragraph 3 states that a child who is able, in view of the degree of his/her development, to form his/her own opinion and evaluate the effect of measures concerning him/her has the right to obtain necessary information and express himself/herself freely about all the parents' decisions concerning important matters affecting the child and to be heard in all proceedings in which such matters are decided. This provision corresponds to article 12 of the Convention.

130. Under section 34, paragraph 1, parental responsibility belongs to both parents.

131. Under section 41, paragraph 2, each of the parents is entitled to obtain help from bodies for the social and legal protection of children, other State bodies, schools, and educational, health care or consulting facilities and municipal authorities if there are obstacles which hinder parents in the performance of their parental responsibility for a child. The child himself/herself is also entitled to obtain the help of these authorities and facilities.

132. In order to protect children, but also to address a family crisis, the 1998 amendment to the Act on the Family brought a new institution into the legal order, "suspension of parental responsibility", which makes it possible to address a situation where parents cannot take care of their children for a certain time. In such a case the court appoints a guardian for the child or children for that period. Another new provision also aims to increase protection of children; it charges a court to always determine whether grounds exist to initiate proceedings to remove parental responsibility if a parent commits an intentional crime against his/her child or uses his/her child under the age of 15 to commit a crime, or commits a crime as an accomplice, instigator or assistant in a crime committed by his/her child.

133. Municipalities and District Offices provide counselling services to parents through their divisions or departments for social affairs and also special departments for family and childcare. Parents can also make use of the services of counselling facilities - counselling offices for marriage, family and human relationships, which provide counselling for married and engaged couples, single parents, dysfunctional families, families with medically disabled members and others. These services are both governmental and non-governmental facilities.

134. In 1998 there were 62 government counselling services in the Czech Republic, which provided some 130,000 consultations. These services are established by District Offices or city halls, and their management falls under the Ministry of Labour and Social Affairs. In addition there are some 10 non-governmental counselling services.

C. Separation from parents

135. Under section 44 of the Act on the Family, a court may, in justified cases, suspend or restrict a parent's exercise of parental responsibility or remove his/her parental responsibility. If the reasons for this measure cease to exist, the suspension, restriction or removal of parental responsibility can be repealed.

136. Under section 26, paragraph 2, of the Act on the Family the court can entrust a child to the joint or alternating care of both parents if both parents are able to raise the child, have an interest in doing so, it is in the interests of the child, and the child's needs will thus be better ensured.

137. Under section 27, paragraph 2, of the Act on the Family, the court shall regulate the parents' contact with a child if the interests of the child's upbringing and the situation in the family require it. Preventing an authorized parent's contacts with his/her child, if it is repeatedly unjustified, is considered a change in situation requiring a new decision on the environment in which the child is brought up. However, in practice it often happens that after lengthy court proceedings the child is automatically entrusted to the care of the mother, who, however, does not permit the child to have regular contact with the father, and thus violates the child's rights. Court proceedings often involve disproportionate delays and this lengthens the time that the child does not have contact with the other parent. The lengthiness of the process is sometimes caused by the attitude of the parents, for whom the matter has become a matter of prestige. Naturally, there are also cases where the father prevents the mother from having contact with the child, particularly in cases where he takes the child even before the court decision.

Divorces in families with minor children

Year	Total number of divorces	Of those, with minor children
1995	31 135	22 108
1996	33 113	23 438
1997	32 465	22 603
1998	32 636	21 636

138. See also chapter VI. G on institutional upbringing.

D. Family reunification

139. In practice, after family reunification, the provisions of the Act on acquiring and losing State citizenship are applied, under which the condition of uninterrupted residence can be waived for an applicant with permanent residence on the territory of the Czech Republic if the spouse is a citizen of the Czech Republic.

140. Under section 65 of Act No. 326/1999 Coll. on the residence of foreigners on the territory of the Czech Republic, a foreigner is entitled to reside permanently on the territory of the Czech Republic on the basis of a permanent residence permit. This residence permit can be issued particularly for purposes of family reunification if a spouse, relative in a direct line of descent, or a sibling of the foreigner has permanent residence on the territory of the Czech Republic.

141. There is no provision in the legal order of the Czech Republic under which an application for entry or departure from the country for purposes of family reunification can have negative consequences for an applicant or his/her family.

E. Illicit transfer and non-return

142. In 1997 the Czech Republic ratified the Hague Convention on Civil Aspects of International Child Abduction, which entered into force on 1 March 1998. The main aim of the Convention is to ensure the immediate return of children wrongfully removed to a contracting State or retained in it, and to ensure that the rights concerning care for the child and contact with him/her under the legal order of one contracting State will be effectively observed in the other contracting States. This specifically means ensuring the exercise of the right to care for a child to the parent to whom the child was entrusted by court decision, and ensuring the exercise of the right to contact with the child to the parent who does not have the child in his/her care.

143. Cases where a person transports another person across borders against his/her will are addressed by section 233 of the Criminal Code (abduction abroad), which stipulates the following:

(a) Anyone who abducts another abroad will be punished by a prison sentence of three to eight years.

(b) The perpetrator will be punished by a prison sentence of 5 to 12 years:

- (i) If he commits the crime stated in (a) as a member of an organized group;
- (ii) If he commits the crime against a person under the age of 15 or against a person suffering from a mental disorder or who is insufficiently developed mentally; or
- (iii) If, through the crime he causes serious injury to health, death, or another especially serious consequence.

F. Recovery of maintenance for the child

144. Sections 85 and 86 of the Act on the Family define the parents' duty to provide for the child. The duty continues until the children are able to provide for themselves. Both parents contribute to providing for their children according to their abilities, opportunities, and property.

A child has a right to share in the standard of living of his/her parents. If the parents of a minor child do not live together, the court shall regulate the extent of their support duty or approve their agreement on the amount of support payment.

145. Neglect of required support is punished by section 213 of the Criminal Code. Anyone who does not fulfil the support duty, even if from neglect, shall be punished by a prison sentence of up to one year. Anyone who intentionally avoids the support duty will be punished by a prison sentence of up to two years.

G. Children deprived of their family environment

146. Children who require special protection and care, who were temporarily or permanently deprived of their family environment, or whom it was not possible to leave in their current environment in their best interests are recorded and monitored by childcare authorities at the appropriate District Offices and Municipal Offices. If all attempts at family therapy fail (material assistance, financial assistance, counselling), the childcare authority files an application with the court to issue a preliminary injunction or an application to order institutional care. In the experience of the NGOs, however, family therapy is often inadequate owing, on the one hand, to a lack of social workers and, on the other hand, to a lack of financial resources for the necessary material and financial assistance.

147. The substantive law regulation in ordering institutional care and other measures related to care is the Act on the Family No. 94/1963 Coll. in the wording of law No. 91/1998 Coll.

148. At the beginning of 1995 the Constitutional Court struck down as unconstitutional, effective 1 October 1995, the provision of the Act on the Family under which a preliminary injunction concerning an abandoned child or separation from parents and delivery to the care of another person, e.g. a legal entity, usually a diagnostic institution, could be issued by a District Office. Under an old, now repealed regulation the authority informed the court without delay, and the court then issued a supplemental decision. Since October 1995, an amendment to the Civil Procedure Code went into effect, replacing the provision of section 46 of the Act on the Family annulled by the Constitutional Court. According to the Civil Procedure Code, only a court is now authorized to issue a preliminary injunction concerning, e.g. delivery of a child to the care of another person (including a legal entity), and the measure is issued by a judge. The court is then required, based on an application from the District Office, to decide on the measure within 24 hours. This applies to situations in addition to abandonment where, according to the law, the life or positive development of the child is seriously endangered or interfered with.

149. Under section 46, paragraph 2, of the Act on the Family the court can order placement in an institution if the child's development is seriously endangered or seriously interfered with and other measures did not correct the situation, or if, for other serious reasons, the parents are unable to provide for the child's upbringing. If it is necessary in the interests of a minor, the court may also order institutional care if no other prior measures were taken in this regard. Paragraph 3 of the section state that before ordering placement in an institution, the court is

required to investigate whether the child can be raised in alternative family care, which takes precedence over institutionalization. If the reasons for placement in an institution cease to exist after it has been ordered, or if alternative family care can be arranged for the child, the court shall cancel the institutional placement order.

150. A decision which takes the child out of the parents' care and places him/her in an institutional setting deeply affects both the rights of the parents and the rights of the child. By an order for institutional placement the child is subjected to an institutional regime, which the parents cannot affect. The court does not regulate the parents' contact with the child. Those situations are handled solely according to the institution's regulations. In certain cases a child remains in the institution setting even after the order has been cancelled by a final decision, until the court prepares and delivers the verdict.

151. Apart from placement in an institution, the court in criminal proceedings can order a minor placed in a reformatory under section 84 of the Criminal Code. Under section 86 of the Criminal Code, in civil law proceedings the court can order a person under 15 placed in a reformatory if that person committed an act which would otherwise be a crime. Reformatories and institutions share the same facilities with the same regime, as special facilities for reformatories do not exist.

152. At present there are no legal regulations governing institutional care and reformatories in the Czech Republic. In September 1999 the Government passed an outline of an act on institutional care and reformatories. For children's homes, the MEYS issued decree No. 64/1981 Coll. on education facilities for institutional care and reformatories upbringing, which generally provides the rights and obligations of those who are involved in institutional care. However, a similar regulation for institutional care in facilities under the Ministry of Health and the Ministry of Labour and Social Affairs does not exist.

153. Children living in institutional settings are, to a certain extent, excluded from the normal way of life, and their further development is therefore potentially endangered. During the period under review, no legal regulation contained a duty to review at regular intervals whether the conditions for the institutional placement still exist. The rights and obligations of all persons who were involved in ordering and providing institutional care were not sufficiently regulated, either in the amended Act on the Family or in regulations with lower legal force. Regular inspection of these facilities is not regulated, and the duties of their employees and the corresponding rights of the children are not adequately specified. The Czech Schools Inspection or the School Office reviews the procedures of employees in institutions based on complaints.

154. This area is appropriately handled by the Act on social and legal protection of children, which imposes on District Office employees a duty to monitor the observance of the rights of children placed in institutions. They are required to visit the child once every six months and monitor his/her development and the conditions for these children's continuing residence. The employees of State administration bodies who will conduct the inspections can be bound to confidentiality about personal data which they will learn during the inspection or in connection with it, and they can also be given other obligations when assessing consequences and taking

measures related to their findings. At the present time, this cannot be arranged for inspections which would be conducted by NGOs. Non-profit organizations can conduct inspections in the context of a civil society, where they can take their complaints and grounds to a higher body than that governing the facility in which they found defects, or to the courts.

155. The procedures for the establishment and the characteristics of facilities under the jurisdiction of the Ministry of Health are regulated by Act No. 20/1966 on care for public health, as amended. The procedures for the establishment and the characteristics of facilities under the jurisdiction of the MEYS are regulated by Act No. 76/1978 Coll. on educational facilities, as amended. The procedures for the establishment and the characteristics of facilities under the jurisdiction of the Ministry of Labour and Social Affairs are regulated by Act No. 100/1988 Coll. on social security, as amended.

156. Children are placed in the facilities described in the following paragraphs on the basis of court decisions.

Facilities under the jurisdiction of the Ministry of Health

157. Children up to the age of 3 are placed in infants' institutions and children's homes for children from 0 to 3 years old (in 1998 there were 13 infants' institutions, 10 children's homes for children from 0 to 3 years old and 16 children's homes for children from 1 to 3 years old in the Czech Republic, with a total capacity of 2,136 places). In these facilities children are provided health, educational and social care. The main task of these facilities is to find as soon as possible, in cooperation with parents, the childcare authority and the courts, a solution to the child's situation so that his/her stay will be as short as possible. In 1998 a total of 2,171 children were admitted into these facilities and 2,034 were released, 50.8 per cent of them to the biological family, 21.3 per cent to adoption, 6.6 per cent to other forms of alternative family care, 14.9 per cent to another institutional facility and 6.0 per cent elsewhere. Despite all efforts of all involved institutions, children's stays in institutions are lengthening. The most difficult to place in alternative family care are severely medically disabled children, children with behavioural and developmental problems and Romani children.

158. Nursery schools also fall under the jurisdiction of the Ministry of Health; these are facilities which provide health education activities for children from 1 to 3 years of age (see the initial report, para. 160).

Number of nursery schools and number of places in these facilities in the period under review

	1995	1996	1997	1998	First half of 1999
Total number of facilities	207	151	101	79	77
Total number of places in nursery schools	7 574	5 551	2 965	2 191	2 167

159. In most cases nursery schools are established by municipalities or District Offices; there are also a minimal number of private nursery schools (in 1999 there were 4 private nursery school facilities out of a total of 77). The sharp decline in the number of nursery school facilities is caused by the fact that parents (primarily mothers) make more use of the opportunity to stay at home with the child on maternity leave and draw State social support payments until the child reaches the age of four. The low birth rate in the Czech Republic also has an influence on the decline of nursery schools.

Facilities for institutional care, reformatories and for preventive care under the jurisdiction of the MEYS

160. These educational facilities form a set of institutions of several types* which provide protection for children and youth aged 3-18 against the negative influences of a dysfunctional family or other socially negative environment. They provide the full support and upbringing which a family should provide under normal circumstances. Children can be placed in these facilities both based on a court decision and at the request of parents or their legal representatives. Under section 46, paragraph 2, of the Act on the Family, the court can, for serious reasons, extend institutional care up to one year after a child reaches the age of majority.

161. The institutional care of adolescents who do not have the opportunity to grow up in a normal family environment is arranged by children's homes and special residential schools. Young people of both sexes are placed in **children's homes** from the age of 3 and remain until the age of 18, or until completing occupational training; these are young people for whom a court ordered institutional placement or who need to be immediately placed in alternative family care until a court decision is made, or, sometimes, based on an agreement between the parents or other legal representatives and the diagnostic institution which manages the children's home. Children's homes and special residential schools thus do not work with an antisocial population, but with children who do not have the opportunity to grow up in a normal family environment. Children's homes are divided into residential-type and family-type homes. The basic organizational unit for the group of children and adolescents in a dormitory-type children's home is the educational group; in a family-type children's home it is the family unit.

162. **Special residential schools** were originally established for children completing compulsory education in special schools with a dormitory. Their role later shifted to providing institutional care. At present they are an alternative to children's homes or to reformatories. They have gradually been transformed into these institutions because of the predominating clientele and according to the needs of the network of care facilities.

163. Institutional care or reformatories for young people with behavioural disorders are arranged by **special care facilities** (reformatories). Educational institutions for children and youth are divided according to age into children's reformatories, reformatories for youth and reformatories for children and youth. Children who have been ordered placed in an institution or

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* Children's home, children's reformatory, reformatory for youth (reformatory for children and youth), home for under-age mothers, institution for reform and medical treatment (or department for reform and medical treatment), children's diagnostic institution, diagnostic institution for youth, centre for the care of children and youth.

reformatory and who have not completed compulsory education and exhibit a level of disturbance such that they cannot be placed in a children's home are placed in a children's reformatory. Those who have completed compulsory education are placed in a reformatory for youth. Reformatories for children and youth are established as joint facilities, which fulfil the tasks of a children's reformatory and a reformatory for youth.

164. The basic and dominant facility in this system is the **diagnostic institution**. It is here that the first, and therefore very important, contact between the child and institutional care takes place, and often the child's later development is predetermined here. Diagnostic institutions are residential care facilities, where comprehensive psychological and special education examinations are conducted for children and youth who have been placed in a care facility. The comprehensive examination generally lasts eight weeks and consists of psychological, special education and health examinations. The diagnostic institutions place children and adolescents in educational facilities based on the comprehensive examination.

165. The children's diagnostic institution performs diagnostic tasks for children of pre-school age and children attending elementary school or special school. The diagnostic institution for youth performs diagnostic tasks for youth. The length of a child's stay in a diagnostic institution is limited by section 11, paragraph 5, of MEYS Decree No. 64/1981 to eight weeks. Diagnostic institutions are divided internally into diagnostic, social service, care and intake locations. The intake locations accept for temporary residence children and youth caught running away from legal representatives or a children's home or educational institution. The diagnostic institution keeps records of children and youth located in individual educational institutions and of available places in individual educational facilities in the regional district assigned to it by the MEYS. The diagnostic institution develops proposals for changes in the network of care facilities and dormitory schools in the given regional district for the MEYS and notifies the Ministry and its facilities about knowledge gained by its expert employees.

166. **Centres for the care of children and youth** are institutions which arrange to work with the school population directly threatened by sociologically pathological elements; they work primarily as a second level of prevention. A condition for acceptance into the centre is the voluntary decision of the client and his parents. The centres have both outpatient and inpatient facilities. Children come to the latter only if outpatient intervention is not sufficient. They stay about two months. The centres work intensively with them using an individual programme of behavioural education. Those who fail even here and continue antisocial behaviour are placed in a care facility or reformatory.

167. The total number of these facilities increased from 158 in 1989/90 to 190 in 1997/98, i.e. by 20 per cent. The largest part of this growth came in the last two school years, 1996/97 and 1997/98, when 21 new facilities were added. The majority of these facilities (63 per cent) are of children's homes, of which there were 120 in the 1997/98 school year.

168. The number of children placed in all these facilities increased from 5,700 in 1989/90 to 6,900 in 1997/98, i.e. by 21 per cent. The largest number of children and youth are placed in children's homes and comprise 60 per cent of the charges of these facilities. In

the 1997/98 school year there were 4,134 children in children's homes. Another large group are children in children's reformatories, reformatories for children and reformatories for children and youth, of whom there were 2,178 in the 1997/98 school year, 30 per cent of the total number.

Change in the number of educational facilities for institutional care, reformatories and preventive care and their charges, school years 1991/92-1997/98

Year	Total charges	Total care facilities
1991/92	5 105	164
1992/93	5 176	162
1993/94	5 839	161
1994/95	6 418	169
1995/96	6 512	176
1996/97	6 875	189
1997/98	6 891	190

Source: Institute for Information on Education.

Institutions for social care of children and youth under the jurisdiction of the Ministry of Labour and Social Affairs

169. The institutions for social care provide health, social and developmental assistance for children and youth with severe mental and (or) physical disabilities. At present these institutions are going through significant changes in this area: expert care is improving, the institutions are being equipped with necessary materials (one-time aids, equipment which permits easier movement of heavy, immobile patients, and the internal structure of the institutions is changing - the number of beds per room is decreasing and in some institutions expert care, in which the staff treats each client individually, has improved. In practice, however, a great deal depends on the attitudes of the directors of the individual institutions. The main failing has been the lack of possibilities to fully respect the individual needs of each individual.

Alternative care for children deprived of a family environment

170. Foster care and other forms of alternative care are contained in the Act on Foster Care, No. 50/1973 Coll., as amended by later regulations, and in the Act on the Family. Once the Act comes into effect (1 January 2000), foster care will be evaluated under the Act. All forms of alternative family care are decided by a court.

171. **Foster care** is part of the system of alternative family care. Children who are not legally available or who are difficult to put up for adoption because of a health or mental disability are placed in foster care. A foster parent is required to care for the child personally, and has the rights and obligations of parents in raising the child. He/she has the right to represent the child and manage his/her affairs only in routine matters. There are presently about 5,000 children in foster families. Foster care is decided by a court. It terminates when the child reaches the age of majority, by the child's death, or by the death of the foster parent. Joint foster care of spouses terminates with the divorce of the foster parents or the death of one of the spouses. Foster care

can also be cancelled for serious reasons, but only by court decisions. Foster care can be provided in special facilities for foster care, of which there were about 90 in the Czech Republic as of 1 January 1999. Married couples care for the children in these facilities. A special form of special facilities for foster care are SOS Children's Villages (Chvalčov, Doubí u Karlových Varů) where only women care for groups of children.

172. The new Act on social and legal protection of children contains detailed provisions concerning the arrangement of foster care and adoption. Under the draft, a register will be created of children suitable for adoption or foster care as well as records/a register of applicants. The draft precisely defines criteria by which the child and the applicant will be filed in the records/register or removed. If adoption or foster care is not found for a child within six months after entry in the register, the Ministry of Labour and Social Affairs will send a copy of the data from the register to the officer for international legal protection of children in Brno, who will try to arrange adoption abroad.

Entrusting a child to the care of someone other than his/her parents

173. This possibility should be used to resolve short-term situations (illness, imprisonment, parents' lack of majority, etc.). However, it is also used for long-term solutions for the child's fate instead of foster care, particularly if a child is entrusted to the care of grandparents. However, the result of this practice is that the child's support is not properly ensured, because the parents often do not pay support, or fulfil their support duty inadequately. If the interests of a child so require, the court may entrust the child to be brought up by a natural person other than the parents, if that person provides a guarantee of proper upbringing and agrees to be entrusted with the child. When choosing a suitable person the court generally gives priority to a child's relatives. The child and the appointed person are under regular supervision by authorities responsible for social and legal protection of children.

Guardianship

174. A court appoints a guardian for a minor child if both of the parents have died, have had their parental responsibility removed, exercise of their parental responsibility has been suspended or they do not have full legal capacity. The guardian brings up the minor, represents him/her and manages his/her property instead of the parents. If a natural person cannot be appointed as a guardian, the court shall appoint a body for social and legal protection of children as guardian. The guardian is responsible to the court for proper exercise of his/her role and is subject to its regular review.

175. A social worker from the appropriate childcare authority is present at each court session in which decisions are made about the fate of a minor child. In its decision-making the court must primarily take into account the interests of the child and, if the minor's age and intellectual abilities permit, the court must also hear the minor (Act on the Family, sect. 31).

176. Annex 3 contains statistical data on alternative family care.

H. Adoption

177. Adoption is the optimum form of alternative family care. It is governed by the Act on the Family. Section 67 provides that the consent of the child's legal representative is required for adoption. If the child is able to evaluate the effect of adoption, his/her consent is also required. Section 68 of the Act on the Family also provides that the consent of the legal representatives is not required if:

(a) For a period of at least six months they consistently failed to show real interest in the child, particularly demonstrated by the fact that they did not visit the child regularly, did not regularly and voluntarily fulfil their duty of support to the child, and they do not show efforts to arrange their family and social opportunities, within their range of possibilities, so that they can personally take up caring for the child; or

(b) For a period of at least two months after the child's birth they did not show any interest in the child, even though there was no obstacle to prevent them from showing an interest.

The court determines whether these conditions have been met as of the day the social and legal protection authority files an application.

178. A parent can give consent to adoption no earlier than six weeks after the child's birth.

179. Parties to the court proceedings about the parents' lack of interest are the authority for social and legal protection of children (as the applicant) and the parents. The court shall summon the parents to the proceedings if their residence is known. If their residence is unknown, after reports from the citizens' registers, prisoners' registers, or other evidence fails to reveal the residence of the parents, a guardian can be named, under section 29, paragraph 2 of the Civil Procedure Code, and the proceedings continued with the guardian.

180. In the court's evaluation of the lack of interest of the parents in a child, at least six months pass from the filing of the application with the court until the verdict. This delay has negative consequences for the child's psychological, emotional and physical health.

181. There are two forms of adoption in the Czech Republic, reversible and non-reversible adoption. A court can decide on non-reversible adoption only for a child over the age of one year (sect. 75 of the Act on the Family). In non-reversible adoption the adoptive parent is registered in the birth register instead of the parent. Only a husband and wife can adopt a child in this way, or the spouse of one of the child's parents, or a surviving spouse of the child's parent or adoptive parent. In exceptional cases a single person can adopt in this way, if expectations exist that such adoption will fulfil its social purpose. In that case the court will also decide to strike the entry about the child's other parent from the birth register.

182. The court can reverse reversible adoption only on serious grounds, at the application of the adoptee or adoptive parent. When adoption is reversed mutual rights and obligations are created again between the adoptee and the original family. The adoptee will again have his/her previous surname. Reversible adoption is governed by section 73 of the Act on the Family.

183. An authority responsible for social and legal protection participates in the selection of suitable parents and decides about entrusting a child into pre-adoptive care. District Offices accept the applications of persons (spouses) for the adoption of a child or for entrusting him/her to foster care. After accepting an application they summarize information about the suitability of these persons from a health, psychological, personality and social-economic viewpoint, and in terms of having a clean civic record. The District Offices notify the regional office of the Ministry of Labour and Social Affairs about suitable children and applicants for adoption or foster care; the regional office registers them and, in cooperation with experts among employees in counselling for alternative family care and from facilities for institutional care, evaluates which applicants could be suitable alternative parents for a certain child. For this the regional office requests expert evaluations of the motives, upbringing, marital stability, psychological profile and personality of the applicants with respect to the child being considered. The decision-making takes into account the child's special needs, health, and possible physical and psychological disabilities, and care is taken to observe the prescribed procedures during the arrangements. After recommending a suitable child to alternative parents who best meet the requirements, the procedures provided by the Act on the Family take place in the respective District Office.

184. Adoption creates the same relationship between the adoptive parent and the adoptee as exists between parents and children, and a family relationship is created between the adoptee and the adoptive parent's relatives. Adoptive parents have parental responsibility for bringing up children. The adoptee is given the adoptive parent's surname.

185. **Through adoption the mutual rights and obligations between the adoptee and the original family terminate. The adoptive parents themselves decide whether they will give the adoptee information about his/her biological parents. This principle is in accordance with the declaration of the Czech Republic concerning article 7, paragraph 1, of the Convention. The Czech Republic believes that the problem of the relationships between the adopted child and the biological parents is complicated and sensitive, and therefore it is not considering revoking the declaration at the present time. This question is discussed in the course of pre-adoption proceedings and it is recommended to the adoptive parents that they inform the child about these facts in a suitable way and at a suitable time (pre-school age). (See ibid., paras. 8 and 26.)**

Adoption abroad

186. **On 14 April 1999 the Government approved (in accordance with the Committee's recommendation) in resolution No. 338 accession to the Hague Convention on the Protection of Children and Cooperation in Respect of International Adoption of 29 May 1993. The parties to this convention undertake to ensure that, in the adoption of children from one State to another, all the requirements provided by the Convention will be observed - in particular that children will be adopted abroad only if they cannot be adopted, placed in foster care or otherwise suitably placed in their country of origin and that they will be adopted abroad only if it is in the best interests of the child and in order to prevent abductions of children and trade in them. The draft passed the first reading in the Chamber of Deputies, and was also discussed in parliamentary committees in September 1999. (See ibid., para. 36.)**

187. **According to the new Act on social and legal protection of children, an Office for International Legal Protection of Children, located in Brno, is to be established. This office will be the main coordinator of adoptions of children from the Czech Republic abroad and vice versa. Only those children will be offered for adoption abroad who are legally available and for whom adoptive parents were not found in the Czech Republic, or for whom other forms of alternative family care are not appropriate. Under section 22, paragraph 8, of the draft act, if the Ministry of Labour and Social Affairs does not arrange adoption or foster care within six calendar months after a child is entered in the register of children suitable for adoption, or within 12 calendar months after a decision entering an applicant in the register of applicants goes into legal effect, it will forward a copy of the data from these registers to the Office to be entered in the register for arranging adoption abroad. (See ibid., para. 36.)**

188. Acceptance of the European Social Charter of the Council of Europe, which contains several provisions concerning protection of children in the work environment (art. 7, paras. 1-9) and outside it (art. 7, paras. 10, 16 and 17) should contribute to the protection of the rights of children. The ratification documents of the European Social Charter were filed with the Secretary-General of the Council of Europe in November 1999, so far, the Charter has not been issued in the Collection of Laws.

I. Periodic review of placement

189. To strengthen the protection of children living in institutions, the Act on social and legal protection of children provides more details on monitoring these children's development. Social and legal protection authorities are required to visit the children in institutions at least once every six months and to monitor in particular the development of their mental and physical abilities, evaluate whether the reasons for their stay in the institution continue to exist and determine how their relationship with their parents is developing.

J. Abuse and neglect, including physical and psychological recovery, including social reintegration

190. In the Czech Republic cruelty to children is a crime under section 215, which is subject to a duty to report under sections 167 and 168 of the Criminal Code. Not preventing or not reporting the crime of cruelty to a person entrusted to another for care is a crime.

191. Protection of a child from corporal punishment or other disproportionate behaviour by parents towards children is included in the Act on the Family, under which parents have the right to use appropriate measures that do not affect the child's dignity or in any way endanger the child's health or physical, emotional, intellectual and moral development.

192. The Act on Misdemeanours No. 200/1990 Coll. was amended in order to cover treatment of a child which endangers his/her development but does not meet the elements of certain crimes such as cruelty or endangering health (the amendment to the Act on Misdemeanours was passed

together with the Act on social and legal protection of children by law No. 360/1999 Coll.). The amendment introduces elements of six new misdemeanours, which should increase the protection of the child from various forms of abuse and neglect. For example, the following will be considered a misdemeanour:

- Leaving a child without proper supervision appropriate to his/her age, intellectual development or state of health, which results in exposing the child to the danger of injury to health;
- Use of punishment or other behaviour towards the child which will expose the child to the danger of physical or psychological injury;
- Misusing children for physical work disproportionate to their age and level of physical and intellectual development.

193. District Offices monitor instances of cruelty, abuse and neglect, and record them in statistical records, which are processed on a nationwide basis. At the present time expanding the monitoring to include other indicators, with the aim of discovering other connections with this negative phenomenon, is being considered.

194. Section 167, paragraph 1, of the Criminal Code provides that anyone who obtains reliable information that someone else is preparing or committing, among other things, the crimes of cruelty to a person entrusted to him/her and sexual abuse, and does not prevent the commission or completion of the crime, shall be punished by a prison sentence of up to three years. Under section 168 of the Criminal Code anyone who does not report such a crime to the State prosecutor or the police shall be similarly punished.

195. NGOs operating hotlines, crisis centres, and other similar institutions have great significance in protecting children from cruelty, abuse and neglect. Children turn most to the Safety Hotline. The Safety Hotline began operations 1 September 1994. It operates nationwide and 24 hours a day, uninterrupted. Thanks to SPT Telecom, a.s., children and young people can call it for free from the entire territory of the Czech Republic. The Safety Hotline works on 10 terminals, which means that 10 children can call it simultaneously. From September 1994 to September 1999, the hotline took a total of 2,449,587 phone calls from children and adolescents. Approximately one third of all calls are resolved. The Safety Hotline's services are most often used by children and adolescents aged 10-17 (86 per cent of the clientele).

Number of cases of suspicion of cruelty and abuse of children reported to social and legal protection authorities

	1997	1998
Physical cruelty	600	641
Psychological cruelty	169	192
Sexual abuse	520	593

Number of persons investigated, charged and convicted of the crime of cruelty to a person entrusted to them for care from 1995 to the first half of 1999

Year	Investigated	Charged	Convicted
1995	127	98	91
1996	191	159	93
1997	175	148	81
1998	162	136	95
First half of 1999	215	66	44

196. At the present time **community centres** are being established to work with children threatened or already affected by socially pathological development. An undoubtedly positive development in recent times in the Czech Republic is the creation of **halfway houses**. They offer assistance to young adults without a family base (in practice this includes cases where returning to the family would be to the young person's detriment - in each case, however, the client participates voluntarily). These houses differ from mere accommodation by providing ongoing therapy which leads to the ability to lead an independent life. These facilities are intended primarily for children who come from children's homes and care institutions. Community centres and halfway houses in the Czech Republic are both Government-run and privately-run. The Government supports the activities of non-governmental entities with subsidies from the State budget, provision of which is subject to binding rules. In the review period these facilities were not monitored as an independent category of the subsidy policy of the Ministry of Labour and Social Affairs. According to the latest information, a total of 12 halfway houses were in operation at the end of 1998; another three facilities began operations in 1999.

197. No less important is the existence of an information system between the Ministry of Education (educational facilities for institutional care or reformatories) and the Ministry of Labour and Social Affairs (social care). This has operated since the fourth quarter of 1998 and ensures that a young person will not remain without an opportunity for assistance after being released from a children's home or educational institution upon reaching the age of majority.

198. Other new institutions whose creation the State supports through the Ministry of Labour and Social Affairs are early care (an offer of expert assistance - "accompanying" families with a disabled child) and other new forms of work with the family (again, they take the form of "accompanying" in handling difficult life situations).

199. A developing theme for social services is assistance for victims of domestic violence, who are, virtually without exception, women and children. The aim is to move from a mere offer of refuge in crisis situations to offering various forms of expert assistance both to the women themselves (preventing a repeat of the situation) and, in certain indicated cases, to the entire family; eventually - so far this is in the embryonic stages - the NGOs want to implement fundamental changes in the approach to the problem, inspired by experience in Austria and Germany.

200. New forms of assistance to families are in the jurisdiction of NGOs, which the State supports financially under certain conditions. The Ministry of Labour and Social Affairs conducts its subsidy policy according to publicly announced priorities.

201. In accordance with principles for providing subsidies from the State budget of the Czech Republic to civic associations, the MEYS announces programmes for the support and protection of children and youth. These include the subprogramme "Understanding" which can support the activities of civic associations whose activities are prevention and subsequent measures against torture and other cruel and inhuman or degrading treatment. Among the most significant civic associations which submit specific projects within the programme are the Fund for Endangered Children and DCI. For data on the subsidy levels for individual civic associations see annex 4.

202. **The MEYS monitors implementation of the conclusions of the World Congress against Commercial Sexual Expoitation of Children (Stockholm, 1996) and two regional conferences (Council of Europe, 1996; Strasbourg, 1998). In view of the significant social danger of this phenomenon, the European States passed measures particularly in the areas of law and coordination. The Czech Republic accepted several international obligations in this area, including the development of a national action plan against commercial sexual exploitation of children. The draft national plan states that the MEYS will perform the following tasks in the area of upbringing and education:**

(a) Provide basic information about the danger of commercial sexual abuse of children, to children in the context of sex education and to parents in parent associations;

(b) Expand postgraduate education of teachers on the problem of commercial sexual abuse of children. (See ibid., paras. 22 and 39.)

VI. BASIC HEALTH AND WELFARE

A. Disabled children

203. **The problem of disabled and handicapped children is monitored by the Government Committee for Disabled Citizens, which was established by government resolution No. 151 of 8 May 1991. The Chairman is the Prime Minister of the Government of the Czech Republic, the Executive Vice-Chairman is the Minister without Portfolio, and members are the Minister of Labour and Social Affairs, the Minister of Health, the Minister of Education, Youth and Sports, deputy ministers from other ministries representatives of the disabled and employers of the disabled. The Committee has already developed three basic policy papers on State policy toward citizens with disabilities.**

204. **The 1993 national plan of measures to reduce the negative results of disability was replaced by a national plan to equalize opportunities for citizens with disabilities, approved by government resolution No. 256 of 14 April 1998. This plan takes the form of the**

Standardized Rules for the Equalization of Opportunities for Persons with Disabilities approved by the United Nations in October 1993. Although basically the entire plan applies to children with disabilities, chapters 3, 4.6, 6, 9, 15 and 19 (see annex 1) are particularly important for families with disabled children.

Legislation from the years 1995 to 1999 concerning the rights of children with disabilities

205. **For better comprehension of the following text we consider it necessary to provide introductory information about the minimum subsistence level in relation to average gross family income. The minimum subsistence level in the Czech Republic in 1998 for an average (i.e. four person - two adults and two children) household was CK 9,490-10,870/month, depending on the age of the children. The average monthly gross salary in the first half of 1999 reached CK 12,063. The ratio of family minimum subsistence level to average gross salary in the first half of 1999 was 78.7-90.1 per cent where one adult was employed, and 39.3-45.1 per cent where two adults were employed. The ratio of family minimum subsistence level to net financial income from employment was 52.3-59.9 per cent in a family with one economically active member and 39.6-45.4 per cent in a family with two economically active members.**

Figures, according to statistics on family accounts from the Czech Statistics Office for 1998, for a four-person family with children and at least one person employed

CK/mo.

	Household with 1 economically active member	**Household with 2 economically active members**
Gross financial income	**21 364**	**29 522**
of that, gross employment income	**15 937**	**25 896**
Total net income (incl. in kind)	**19 731**	**25 081**
of that, net financial income	**18 147**	**23 967**

206. **In 1995 Act No. 117/1995 Coll. on State social support was passed (it went into effect on 1 October 1995). Its provisions are described in the following paragraphs.**

Social contribution

207. **Provision of section 20 - Conditions for the right to a social contribution from the State:**

(1) A person caring for at least one dependent child, with the exception of a child entrusted into foster care or a dependent child which is in the full direct care of an institution (facility) for care for children or youth, has a right to a social contribution if the decisive income in the family (i.e. that taken as the basis for calculating the amount) does not exceed the multiple of the family's minimum subsistence level,[1] possibly increased under section 22, paragraphs 1 and 2, and a coefficient of 1.60.

(2) If several persons meet the conditions for a right to a social contribution, the social contribution applies only once, to the person determined by agreement among these persons. If these persons do not agree, the District Office which decides the payment shall determine to which of these persons it will allocate the social contribution.

208. **Provision of section 21 - Amount of social contribution:**

(1) The social benefit per calendar month is calculated as the difference between the amount required for the personal needs of a child who is not provided for, or the sum of the requirements for the needs of such children in the family, multiplied by the decisive income of the family, divided by the family's minimum subsistence level multiplied by a coefficient of 1.6.

(2) If the decisive income of the family falls under the minimum subsistence level, then the social benefit is calculated using the minimum subsistence level as the decisive income. When this is the case, the increase of the amounts according to section 22, pararagraphs 1 and 2, is not taken into account.

209. **Provision of section 22:**

(1) When setting the amount of the social contribution, the amount for the personal needs of a dependent child provided in section 21, paragraph 1, is multiplied in the case of:

(a) A child with long-term severe disability, by a coefficient of 2.70;

(b) A child with long-term disability, by a coefficient of 2.40;

(c) A child with long-term illness by a coefficient of 1.20.

(2) When setting the amount of the social contribution, the amount for the personal needs of a dependent child and the sum of the amounts for personal needs decisive for determining the family's minimum subsistence level provided in section 21, paragraph 1, is multiplied if:

(a) Both parents have long-term severe disabilities, by a coefficient of 1.40;

(b) A single parent has a long-term severe disability, by a coefficient of 1.40;

(c) One of the parents has a long-term severe disability, by a coefficient of 1.10;

(d) There is a single parent and the situation in letter (b) does not apply, by a coefficient of 1.05.

(3) If a dependent child draws a partial disability pension from pension insurance, paragraph 1 (a)-(c) shall not be used for setting the amount of the social contribution.

Parental contribution

210. **Provision of section 30 - Conditions for the right to a parental contribution from the State**:

(1) A parent has a right to a parental contribution who, personally, all day, cares for at least one child:

(a) Up to four years old; or

(b) Up to seven years old, if the child has a long-term disability.

(2) A parent loses his right to a parental contribution for a calendar month if in the calendar month:

(a) His income under section 10, paragraph 1 (a) and b) is higher than under paragraph 3 or comes from work defined under section 10, paragraph 1 (c);

(b) The parent has a right to health security contributions, unless these health security contributions are reimbursement for income defined under paragraphs 3 and 4, i.e. payments to the unemployed or the handicapped during their rehabilitation for employment;

(c) The child who forms the basis of the contribution attends a nursery school, kindergarten or another similar facility for a pre-school-age child to a greater extent than the one listed under paragraph 6 (i.e. three days per month), or an elementary school.

211. **In 1997 Act No. 100/1988 on social security was amended (the amendment went into effect on 1 July 1977). The relevant provisions are described below.**

Contribution for care for a close relative or other person

212. **Provision of section 80**:

A contribution for care for a related or other person is allocated to a citizen caring personally, all day and properly, for a related person who is:

(a) Primarily or completely incapacitated;

(b) Older than 80 years of age and partly incapacitated;

(c) Older than 80 years of age and the physician states that he/she needs the care of another person if his income paid in the calendar month does not equal to a multiple of 1.6 of the amount for personal needs, if he cares for one such person, or a multiple of 2.75 of the amount for personal needs if he cares for two or more such persons; the contribution is also allocated to a citizen who cares for a person other than a relative, if they live together in a household.

213. **Provision of section 81:**

The contribution under section 80 is also allocated to a parent or grandparent, or other citizen, who took a child into care replacing parental care based on a decision by the appropriate authority, who cares personally, all day and properly, for a minor child older than one year, who, under a special regulation, has a long-term serious disability requiring extraordinary care.

214. **In 1998 Act No. 155/1998 Coll. on sign language and amending other laws was passed (it went into effect on 13 July 1998). The relevant provisions are described below:**

215. **Provision of section 7:**

The non-hearing have a right to:

(a) Use sign language;

(b) Education using sign language;

(c) Be taught sign language.

216. **Provision of section 8:**

Non-hearing students in secondary schools and universities who were, with level II and level III, due to complete disability, shall have interpreting services provided without cost under conditions provided by a special regulation of the Ministry of Education.

217. **Provision of section 9:**

Parents of children who were diagnosed with partial or complete deafness have the right to cost free education in sign language courses.

Diagnosis is based on Decree No. 207/1995 Coll. which lists degrees of handicap and their further impact in terms of the State social contribution, as amended by Decree No. 156/1997 Coll.

218. **The Act on State social support authorizes the MEYS to issue an implementing regulation for section 9 and section 10; a working group was established which is working to create the regulation. The working group has prepared a proposal of a decree on the conditions and extent of (free of charge) interpretation for deaf students of secondary schools and universities, and on the extent and content of the training and ways of testing of teachers working with deaf students and teachers of sign language. The proposal was distributed for comments to the ministries as of 31 December 1999.**

219. **Chapter VI, Section A, "Handicapped children" - responds to the Committee's concluding observations (paras. 20 and 37).**

B. Health and health services

220. The health of the child population in the Czech Republic is not improving significantly, despite the good level of health care for this population group. There is no evident decline in the illness of children and youth, the number of treated patients is not declining (the number of congenital developmental defects and allergic illnesses, including bronchial asthma, is increasing, while the growth in nervous system disorders, mental retardation and serious behavioural disorders is continuing). We consider the most serious causes of this situation to be the polluted environment, primarily in industrial agglomerations and unhealthy lifestyles; the number of serious injuries to children is also rising fairly significantly. Since 1990 the percentage of adolescents, as well as children, who have experiences with drugs or are already addicted to them has been increasing. Nicotine addiction and alcoholism are also increasing among the youth.

221. Data on hospitalization and outpatient care also reveal serious illness among children and youth. The ratio of child patients to total hospitalization cases in 1997 was 16.5 per cent; 345,000 hospitalizations were recorded (including newborns of children) from 0-14 years old, which is 19 cases per 100 children. In the age group 15-19, there were 90,000 hospitalizations in 1997 (11 adolescents per 100 people).

222. The most frequent cause of hospitalization among children from 0-1 year is conditions which arose during the prenatal period (15 per cent of hospitalizations in this age group), followed by respiratory tract illnesses (8 per cent). In the 1-4 and 5-9 age groups, the most frequent cause of hospitalization is illness of the respiratory system (roughly 40 per cent, then injuries and poisonings (12 per cent). For children aged 10-14, the main cause is injuries and poisonings (almost 20 per cent). Illnesses of the digestive tract are in third place for all children. In adolescence the most frequent cause is, again, injuries.

223. Another source of information about illness rates is outpatient treatment. Children are treated most often for illnesses of the nervous system and the sensory organs, primarily for visual disorders up to blindness, then illnesses of the respiratory system (primarily bronchial asthma), then illnesses of the skin and subcutaneous tissues (primarily eczema). For adolescents, illnesses of the musculo-skeletal system are in third place.

224. Health care for children and adolescents is paid from public health insurance to the extent provided by Act No. 48/1997 Coll. on public health insurance. The State pays public health insurance for children and adolescents. In special children's facilities (infants' institutions and children's homes for children up to age three) health care is paid from the budget of the institution.

225. In exceptional cases operations which cannot be performed domestically are partly paid from the budget of the Ministry of Health. These are primarily organ and bone marrow transplants for children and adolescents. In 1998 and 1999 some CK 19,020,000 were paid for these purposes from the budget of the Ministry of Health. Certain inoculations are also paid from the budget.

226. The primary health indicator for children is infant mortality, where the Czech Republic has already achieved a reduction from 9.9 per 1,000 in 1992 to 5.9 per 1,000 in 1997 and is on the level of European Union States.

227. Infant mortality is affected by low birth weight of newborns. The ratio of newborns with weight up to 2,500 g to the total number of live births is about 6 per cent, but the ratio of such infants to total number of infant deaths hovers around 60 per cent. The most frequent cause of infant mortality is certain conditions which arise in the perinatal period; these cause over one half of infant deaths. The second most frequent cause of infant mortality is congenital defects, deformation and genetic abnormalities. In 1997 2,680 children with congenital defects discovered in the child's first year were reported, a growth of 18 per cent over 1996. In comparing the number of defects in girls and boys, it can be said that more defects appear in boys. The most frequent defects are congenital defects of the heart. Thanks to the improving level of prenatal diagnostics, the incidence of certain congenital defects in the newborn population is decreasing. These are fissures of the nervous system, defects of the stomach wall, certain serious heart defects, defects of the urogenital system and genetically determined defects (primarily Down's Syndrome). Despite the successes achieved, congenital defects are responsible for a 25 per cent share of infant deaths.

228. Mortality in the 0-14 age group has been steadily declining since the middle of the 1970s. In comparison with 1970 the number of deaths in this group declined by one fourth. This significant decline is due to an unusual decline in mortality in infanthood. In other childhood age groups we have also recorded a steady decline in mortality, but not as dramatic. The mortality in the 0-14 group in the last two years is 52 deaths per 100,000 people in the age group, which is 0.052 per 1,000. For children aged 1-14, injuries and poisonings are the primary cause of death. The specific mortality rate in the 5-19 age group is characterized by frequent swings. Compared with 1980, mortality in this group declined by 11 per cent. The most frequent cause of death is injuries and poisonings.

229. The number of child suicides has declined steadily since 1995. The number of deaths from intentional self-injury aged from 5 to 19 in the Czech Republic during the review period as shown in the following table:

Year	Number of deaths							
	Absolute				Per 100,000 people			
	Age group			Total 5-19	Age group			Total 5–19
	5-9	10-14	15-19		5-9	10-14	15-19	
1995	1	10	91	102	0.2	1.4	10.5	4.6
1996	2	7	71	80	0.3	1.0	8.5	3.7
1997	-	6	66	72	-	0.9	8.3	3.4
1998	-	8	52	60	-	1.2	6.9	2.9

230. For the number of child deaths in the Czech Republic by cause, see annex 5.

231. The scope and principles of mandatory inoculation are provided by Decree No. 48/1991 Coll. on inoculation against contagious diseases. Payment for inoculation is made under Act No. 48/1997 Coll. on health insurance. This decree includes mandatory regular inoculation of children with a triple vaccine against diphtheria, tetanus and whooping cough; a triple vaccine against measles, rubella and mumps; and a vaccine against contagious childhood polio and tuberculosis. The decree also distinguishes special inoculation which is performed for people who are exposed to higher risks of infection in their professions. This includes inoculation of health workers against tuberculosis and viral hepatitis type B. The decree also distinguishes extraordinary inoculation (e.g. against flu for medically at risk persons), inoculation after injuries (against tetanus), inoculation against rabies and inoculation when travelling abroad (against malaria).

232. The safety of inoculation materials used is provided by Act No. 79/1997 Coll. on medications.

233. Development of examination methods continues in the Czech Republic (e.g. magnetic resonance imaging was brought into operation for paediatric patients). Highly specialized centres are being created to treat children in cardiology, neurology, traumatology, perinatology and oncology. Significant progress was achieved in children's transplantology; transplants of kidneys, the heart - even in small children - lungs and the liver are being performed. The introduction of new treatment procedures in oncology has led in recent years to a gradual decline in mortality due to malignant tumors. Whereas 12 boys and 6 girls (per 100,000 boys and girls) died in 1991, in 1996 the figures were 6 boys and 4 girls.

234. In the prenatal period a woman in a normal pregnancy is examined 10 times and in risky or pathological pregnancies, more often, according to need. An ultrasound examination is done twice in a normal pregnancy (in the twentieth and thirty-second week), and in risky or pathological pregnancies, more often. The frequency and content of examinations in the prenatal period is provided by Decree No. 60/1997 Coll. on dispensary care. This care is paid out of public health insurance.

Total numbers of births, miscarriages and abortions for girls aged up to 19

Year	Pregnancies resulting in birth	Miscarriages	Abortions
1995	17 094	1 189	5 251
1996	14 203	996	5 037
1997	12 208	936	4 302
1998	11 159	891	4 207

235. Sex and planned parenthood education is gradually becoming part of the curricula in the education process in elementary and secondary schools. The Ministry of Health works with the Association for Family Planning and Sex Education. This Association arranged the Czech translation and distribution of the Charter of Sexual and Reproductive Rights (International

Planned Parenthood Federation). The Charter defines sexual and reproductive rights which are often neglected or denied to people. Gynaecological examinations include a conversation about contraceptive options, sexual health, and possibilities for planned parenthood.

Support of NGOs by subsidies from the Ministry of Health

236. The target groups in subsidized projects are:

(a) Associations of the medically disabled (e.g. Union of Diabetics, Czech Union of the Non-Hearing);

(b) Associations of parents and friends of disabled children (e.g. Federation of Parents and Friends of Hearing-Impaired Children, Association for Assistance to Chronically Ill Children);

(c) Associations of parents and friends of those groups of the disabled who cannot organize themselves (e.g. Association for Assistance to the Mentally Disabled);

(d) Humanitarian organizations (e.g. diocese charities, diaconates, certain religious orders).

237. The Ministry of Health subsidizes NGOs as part of the National Health Programme. Subsidies are given to general preventive programmes, a number of which also apply to children and adolescents, e.g. fundamentals of healthy nutrition, breastfeeding, programmes against smoking, alcohol and drugs, AIDS prevention, the programme “Healthy school, movement and sports” and programmes aimed at preventing injuries and poisoning among children. For the number of supported projects and the total amounts of subsidies from the Ministry of Health to NGOs, see annex 6.

238. The Ministry of Health also subsidizes NGOs which work with people with physical or psychological disabilities, including children and youth. The precise amount of funds allocated directly to children and youth through this route cannot be calculated because a number of the NGOs work with the entire population. A qualified guess is that 35 per cent of the total amount goes to programmes for children and youth. For the total amount of subsidies for disabled people, see annex 7.

239. The Ministry of Health also subsidizes projects as part of its anti-drug policy. The subsidy is intended to develop a minimal network of offices involved with care for drug addicts and anti-drug activities. The total amount of subsidies for 1999 was CK 2,090,000.

HIV and AIDS

240. As of 30 June 1999 a total of 411 cases of HIV infection were registered in the Czech Republic. In 124 cases full-blown AIDS had been diagnosed as of that date, with 77 deaths. On the same date, there were a total of 35 cases registered in the Czech Republic of HIV-positive pregnant women, who gave birth to 25 children (in one case twins, in nine cases the pregnancy was aborted at the mother’s request, in one case there was a miscarriage); 19 of

the children have been diagnosed HIV negative, 5 had not at that date reached the age of two, when it is possible to make a definitive diagnosis about a child's HIV status, and the other child tested HIV positive.

241. In 1991 the Government approved a national programme of AIDS prevention, which was also the basis for a short-term plan to address the problem of HIV/AIDS in the Czech Republic that was developed for the period 1993-1997. The plan hoped to achieve, among other things, anonymous, cost-free, easily available HIV testing in a wide network of sampling and testing locations, the creation of many local and one national AIDS help line, and several AIDS counselling centres. The participation of NGOs in the programme also increased and peer health education programmes were started, particularly for young people. The problem of preventing sexually transmitted diseases and AIDS was included in the teaching guidelines in force. Programmes for undergraduate and postgraduate teacher training in HIV/AIDS issues and sex education were also started in cooperation with the Ministry of Health, the Ministry of Education and civic associations.

242. At the present time there is a national programme for HIV/AIDS issues in the Czech Republic for the period 1998-2002. Among its main tasks are:

Support for safer sex;

Providing information about perinatal transmission of HIV;

Arranging counselling for HIV-positive women;

Providing counselling about HIV prevention to all pregnant women.

Continuing national and regional mass media campaigns aimed at the general public with the aim of increasing knowledge about the importance of safer sexual contact in preventing HIV/AIDS and changing sexual behaviour, using articles by experts, round tables, educational events, television and radio spots, etc.

C. Social security and childcare services and facilities

243. Significant changes have occurred in the provision of social support payments for families with children. In 1995 Act No. 117/1995 Coll. on State social support was passed, which transformed and introduced new State social support payments. Among the payments dependent on a family's income level are the child contribution, the social contribution, the housing contribution and the transportation contribution. State social support is aimed at increasing income in predefined situations in which a family's income decreases relatively or its expenses increase.

244. The current version of the Act conditions the right to social support payments, if other specified conditions are met, on registration for permanent residence by the entitled person and persons evaluated together with him/her. Section 3, paragraph 1, of the Act ("Circle of entitled persons") states: State social support payments are allocated, if further specified conditions are met, only to a natural person (the "person"), if that person is registered for permanent residence

on the territory of the Czech Republic under special regulations [section 4 of Act No. 135/1982 Coll. on registration and records of the residence of citizens; section 7 and section 19, paragraph 3, of Act No. 123/1992 Coll. on the residence of foreigners on the territory of the Czech and Slovak Federative Republic]. Permanent residence under this Act also means long-term residence permitted to foreigners under a special law [No. 123/1992].

245. The valid provisions of section 3 of the Act can also be seen as a violation of the obligation arising from article 2, paragraph 1, and article 3, paragraphs 1 and 2, of the Convention. The contents of this provision do not correspond to its title, where paragraph 1 defines the conditions for the entitlement not only with regard to the entitled person, but the provision also requires persons evaluated jointly to fulfil the conditions. This condition is, under the cited section, registration for permanent residence of the persons evaluated jointly. Whereas this is a legitimate requirement for the entitled person, the purpose of imposing this condition on persons evaluated jointly with him/her is not clear. It is a paradox for entitled persons to be penalized because of the person with whom they share a household, or with whom they pay expenses for common needs. The conditions for the entitled persons' claims are made dependent on the concept "family" without stipulating any further relationship beyond registration for permanent residence together with the entitled person.

246. The stated purpose of the Act is to provide State social support payments in specified cases, depending on the family's income level. It considers a "family" to be the entitled person and the persons evaluated jointly with him/her and enumerates them, with the provision that these persons must live and pay expenses for their needs together. Setting conditions for persons evaluated jointly in section 3 thus also appears completely unnecessary from the point of view of the Act's purpose. In addition, as a consequence of the current wording, disproportionately strict procedures are applied in cases where the entitled person meets the condition of registration for permanent residence under special regulations but a person evaluated jointly with him/her does not, even though he/she is a socially needy applicant.

247. In addition to State social support payments, families with children also receive additional social care payments. Their purpose is primarily to address a certain negative life situation. This can be a severe disability, long-term unemployment of family members and sharply decreasing standard of living, natural disasters and other things. One-time financial and in-kind payments are provided to cover one-time extraordinary expenses. One-time payments of up to CK 15,000 may be provided. In-kind payments of up to CK 8,000 may be provided and in exceptional cases up to CK 15,000. The following payments are also provided: a contribution to obtain basic needs for a child, a contribution upon the marriage of a child who lived in foster care, a financial contribution for the use of an apartment of a dependent orphaned child and a contribution for the recreation of children of a retired person. Families with children can also use the opportunity to take out an interest-free loan. However, they do not have an automatic right to an interest-free loan; the District Office provides it depending on its financial possibilities and on whether the family will be able to repay the loan. For information on expenses relating to payments to families with children, see annex 8.

Social care institutions

	1995	1996	1997	1998
Number of social care institutions for children and young people	176	182	181	181
Number of places in these institutions	12 651	12 803	11 906	12 470

248. The table lists the total number of institutions and places in these institutions as reported by all entities: the Ministry of Labour and Social Affairs, District Offices, municipalities and non-governmental entities. Institutions for the mentally disabled are the predominant proportion of all social care institutions. One fourth of clients in institutions with year-round residence require placement in intensive nursing-type departments.

249. In the Czech Republic there are four institutions for physically disabled young people, with a capacity of 597 places, 419 places being for day residents. These institutions include schools in which the children complete compulsory education or prepare for a future occupation.

D. Standard of living

250. The corresponding information is contained in the chapter on expenses for the support of the child.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance

251. The present structure of the education system is defined primarily by Act No. 29/1984 Coll. the Schools Act, and Act No. 111/1998 Coll.[2] on post-secondary schools. The education system of the Czech Republic is made up of relatively independent levels of education, with corresponding individual types of schools. The initial report discussed the individual levels of the education system in detail in paragraphs 250 to 261. We also attach a diagram of the entire education system (see annex 9).

252. In the second half of 1998 a new Act on post-secondary schools went into effect (No. 111/1998 Coll.). This act responds to the changes which Czech schools went through and which also reflect worldwide developments. The main change can be said to be the extensive development of post-secondary education caused by increased interest in post-secondary studies. The basic problem is how to meet the high demand and yet maintain the desired quality of education. This requirement is met by sufficient diversification in post-secondary education, i.e. in addition to five-year curricula, creating a selection of professionally oriented, generally three-year curricula. Diversification of the post-secondary system is balanced by the institution of accreditation of all curricula, accreditation of a post-secondary school's authorization to conduct qualification proceedings in a given field and proceedings to award the title of professor. The institution of accreditation has been reintroduced for the purpose of ensuring quality post-secondary education. The curriculum is taken as the basic unit of post-secondary education.

It can be for a baccalaureate, master's or doctorate degree. A standard length of study has been newly introduced. In the original legal scheme, baccalaureate studies were conceived as a part of post-secondary studies with unified content. An organizer can be the State or other legal entities. Conditions for the establishment of private post-secondary schools were created.

253. In the 1998/99 school year approximately 46,000 students were accepted into first-year studies at post-secondary schools (excluding doctoral programmes), and about 12,500 students were accepted to post-secondary vocational schools. In relation to the total number of 18-year-olds (150,644) the respective percentages are 30.5 per cent and 8.3 per cent. That means that a total of 38.8 per cent of 18-year-olds were accepted for post-secondary education. As in past years, roughly one half of applicants were accepted.

254. The number of post-secondary students has been climbing since 1989. In 1998 there were 170,000 students in post-secondary schools. One of the main aims of the Government's education policy is to ensure, by 2005, that one half of 19-year-olds have the possibility to enter one of the forms of tertiary education. This aim is based on the decision to enable two thirds to three fourths of young people in that period to obtain a secondary school diploma in secondary general or vocational education.

255. Minority education may be built up to the level of secondary schools (based on section 3 of the Schools Act). It is provided for the Polish and Slovak minorities.

256. The situation in education management after 1989[3] was fundamentally affected by the passage of the Act on State administration and local administration in education,[4] No. 564/1990 Coll. primarily by three steps: the introduction of branch management of regional education, the creation of prerequisites for the development of local administration in regional education, and the introduction of legal entity status for schools. The MEYS has all administrative power and financial powers over schools. Medical, specialized agricultural and military schools, still administered by their respective ministries, remain exceptions. In 1990 School Offices were established at the district level, representing a middle link in the ministerial administration of regional education. The MEYS also has administrative power over vocational and medical education.

257. Municipalities are, by law, the organizers of kindergartens and elementary schools (the MEYS has organizational powers at the level of secondary and special schools, with the exception of medical and military schools).

258. Passing the Act on State administration and local administration in education increased the autonomy of schools and strengthened the position of the school principal. The Czech Schools Inspection became an independent body of State administration in the Ministry of Education under the Act.

259. In June 1995 an amendment was passed to the Act on State administration and local administration in education (No. 139/1995 Coll.), which significantly strengthened the local administration elements in the Act: it created prerequisites for the creation of a school council as

an independent body on the level of the school and also as a sort of counterbalance to the position of school principal. In the creation of higher local administration units under Constitutional Act No. 347/1997 Coll., the system of State administration and local administration in education will have to be redrawn.

260. In an overview of education financing, see annex 10.

Compulsory education

261. Most children attend compulsory education in elementary school. In addition children can attend part of compulsory education in the lower classes of multi-year high schools, in the lower classes of dance conservatories, in special elementary schools, and in special and remedial schools. For students whose health does not permit them to attend school, the School Office can arrange a form of education which will enable them to obtain the same education as with compulsory education. A severely medically disabled child can be released from compulsory education for a certain time by the Director of the School Office.

262. Usually, children enter school at the age of six, although in recent years there have been frequent cases where school entry is postponed by the school principal at the parents' request and at the recommendation of a pedagogic-psychological counselling officer or doctor, generally for one year. Compulsory education lasts nine years (under the amendment to the Schools Act No. 138/1995 Coll.).

263. Beginning on 1 September 1998, the MEYS, under section 58a of Act No. 29/1984 Coll., the Schools Act, as amended, established, for a period of five school years, experimental testing of a new organizational form of elementary education: home education. In the 1998/99 school year, two elementary schools carried out the experiment, and three schools did so this year. Approximately 120 students use this opportunity for education at the present time. The MEYS sets conditions for experimental testing in approval proceedings.

264. Talented students can go from the lower classes of elementary schools to multi-year academic secondary schools[5] and dance conservatories. The fact that the more talented students leave to attend high school before completing compulsory education creates a situation where less talented children remain in the upper classes of elementary schools, and this also lowers the quality of teaching.

265. Students who are not able to attend compulsory education in elementary school for various reasons can, with the consent of their legal representatives, be transferred to special schools. At the level of compulsory education these are primarily special elementary schools (established for medically and physically disabled students and for difficult-to-teach students), special schools (established for students with intellectual inadequacies) and remedial schools (established for students with inadequacies in intellectual development such that they cannot be educated in a special school).

Number of special schools, 1991/92-1997/98

	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98
Number of institutions	779	964	979	975	1 027	1 002	986
Kindergartens	198	225	235	240	253	263	259
Total elementary and special schools	612	677	700	679	693	678	667
Special elementary schools	*	*	*	215	218	216	210
Special schools	*	*	*	464	475	462	457
Remedial schools	61	72	118	127	93	151	153
Academic secondary schools and secondary vocational schools	23	48	70	89	106	122	139
Secondary vocational schools and vocational schools	95	113	127	111	148	156	158

Source: Institute for Information on Education.

Notes: The number of institutions does not correspond to the sum of schools at individual levels because special schools with several different levels can operate within one institution. Until the 1993/94 school year special elementary schools and special schools were not monitored separately.

Number of elementary schools, 1989/90-1997/98

	1989/90	1990/91	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98
Total elementary schools	3 904	3 958	4 064	4 142	4 199	4 216	4 212	4 166	4 132
Elementary schools: With only the first level	1 455	1 496	1 560	1 647	1 677	1 710	1 712	1 672	1 638
With only the second level	3	5	7	5	9	8	9	4	5
With both levels	2 446	2 497	2 497	2 490	2 513	2 498	2 491	2 490	2 489
With a reduced number of classes	1 118	1 118	1 242	1 378	1 300	1 349	1 399	1 463	1 482

Source: Institute for Information on Education.

266. The number of elementary schools increased after 1989 until 1993/94 (during that time 295 new schools were opened) then stagnated for two years, and in the last two years the number of schools has declined. The increase in the number of schools was caused by rapid expansion of incomplete schools and schools with few grades[6] (over 80 per cent of new schools are schools of this kind). At present, 40 per cent of all elementary schools are incomplete schools, and their students are 8.5 per cent of all elementary school students. These schools facilitate children's attendance in school in small and remote municipalities and help to renew the tradition of the school as one of the natural centres of municipal life. Opinions about the quality of teaching at incomplete schools vary; more than elsewhere, it depends on the abilities of the teacher.

267. The percentage of non-government schools, i.e. private and parochial schools, is relatively low at the elementary school level. In the 1997/98 school year there were only 32 private and 19 parochial schools in the elementary school network, which is 1.2 per cent of all elementary schools; this ratio has been stable for several years. The percentage of students in non-government schools among all elementary school students is also stable - under 0.5 per cent. The dense network of government elementary schools and their tradition is the most significant limiting factor for the development of non-government elementary schools. In addition, the decline in the population and the drain of students to multi-year high schools also narrows the space for non-government organizers of schools. They devote themselves primarily to areas which are unique in a certain way: for example, children disabled by slight brain dysfunction, children from an environment different from the standard family type, or children who, for psychological or social reasons, are not able to adapt to conditions in standard elementary schools. An example is the Premysl Pitter Parochial Elementary School in Ostrava, which focuses on Romani children.

Number of students in elementary schools, 1989/90-1997/98 (in thousands)

	1989/90	1990/91	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98
Total elementary school	1 235.7	1 193.1	1 166.5	1 115.0	1 061.4	1 027.7	1 004.6	1 100.1	1 092.4
First level	566.8	545.8	537.8	528.7	521.3	522.7	522.8	637.0	635.6
Second level	688.9	647.3	628.7	586.3	540.1	505.0	481.7	463.1	456.8

Source: Institute for Information on Education.

268. The relatively rapid decline in the number of students in elementary schools is a reflection of demographic trends. A significant factor in the decline at the second level of elementary education is also the increasing interest in studies at multi-year high schools.

269. **A significant element which affects not only the number of children in elementary schools but the entire process of upbringing and education is the integration of disabled children into education in standard elementary schools, which began in the 1990/91 school year[7]. Including disabled children among healthy children has great significance for socialization. Including disabled children is financially and technically demanding and it requires an individual approach from the teacher, so integration of children is supported through amendments to financing rules. The number of children integrated into standard classes is increasing, and the number of children in special and specialized classes established in elementary schools is stagnating. Teachers and parents have accepted the integration of disabled children into education in elementary schools and it has had a positive effect on the work of special schools, which thus have more room to care for children with more severe disabilities and more complicated defects. (See ibid., paras. 20 and 37.)**

Number of disabled children integrated into standard, special and specialized classes 1993/94-1997/98 (in thousands)

	1993/94	1994/95	1995/96	1996/97	1997/98
Total integrated children	40.1	16.6	41.3	51.2	54.4
Integrated children in standard classes	30.4	5.5	30.4	38.8	42.2
Children in special and specialized classes	9.7	11.1	10.9	12.4	12.1

Source: Institute for Information on Education.

270. The number of elementary school graduates has gradually declined since the 1992/93 year in connection with demographic trends and with the departures of talented pupils to multi-year high schools.

Number of students attending compulsory education in multi-year high schools (in thousands) and their proportion of the total number of students attending compulsory education (in %), 1991/92-1997/98

	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98
Academic secondary school pupils completing compulsory education	14.8	23.4	34.9	41.5	45.3	50.3	51.7
As a percentage of all pupils completing compulsory education	2.3	3.8	6.1	7.6	8.6	9.8	10.2

Source: Institute for Information on Education.

271. Most of those who complete compulsory education continue their education at a secondary school; going directly into the labour force tends to be an exception. Groups of young people with a low educational level are exposed to the greatest risks in the labour market. Those who leave school without properly completing all nine grades can acquire other, primarily manual, skills in non-demanding vocations at vocational schools, which last one to three years. Supplementing/completing elementary education (including special education) is theoretically possible through courses which one school in a district is always authorized to offer. The opportunity to attend these courses is, however, subject to successfully completing an application process, which many graduates of special schools are not able to do. Without completing elementary education they continue to be disadvantaged both in the opportunity to complete requalification courses and in the labour market generally. In the 1997/98 school year a total of 2,761 persons attended courses for supplementing elementary education.

272. Kindergartens are a separate chapter; they are defined not as school, but pre-school facilities. Kindergartens are generally attended by children aged 3-6. In justified cases younger children can be accepted to kindergartens. Also, older children who have had compulsory

education postponed remain in them, and postponement of compulsory education is a more and more frequent occurrence; in recent years around 20 per cent of children enter elementary school at age 7. Kindergarten is not compulsory, although from time to time the idea is considered of requiring children to attend pre-school education the year before compulsory education begins; this is becoming the rule in a number of countries. Nonetheless, attendance in kindergartens is high, particularly among children aged 5 and older. Kindergarten attendance is considered beneficial for them, primarily to ease their shift to elementary school.

Number of kindergartens and children (in thousands) attending kindergarten

	1989/90	1990/91	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98
Schools	7 328	7 335	6 972	6 827	6 599	6 526	6 474	6 344	6 152
Children	395.2	352.1	323.3	325.7	331.5	338.1	333.4	317.2	307.5

Source: Institute for Information on Education.

273. The decline in the number of children in kindergarten is significant, primarily in the period until 1991 when the attitude towards kindergarten changed; this was related to extended maternity leave or the gradually changing family model, where the mother stays at home even after maternity leave ends and continues to raise her children herself. The population decline also played a role; it is the main cause of the decline in the number of children in kindergarten in the present period. Altogether, since 1989 the number of children in kindergarten has declined by 22 per cent. However, 88 per cent of children of pre-school age still attend kindergarden and their role in children's upbringing is irreplaceable. The number of kindergartens has declined by 1,176, i.e. 16 per cent since 1989/90.

274. **Since 1990/91 children with medical disabilities are also accepted in kindergarten. These children can be integrated with healthy children, or they can be placed in special and specialized classes.[8] In the 1997/98 school year the number of integrated children exceeded 7,200, of whom 3,000 were integrated directly in standard classes. The most frequent disabilities were speech defects and a combination of several disabilities. (See ibid.)**

B. Aims of education

275. The aims of education have not changed since the initial report was prepared. At present there are three educational curricula for elementary schools (all under the Elementary Education Standard): grade school (since 1997, created by combining the curricula of grade school and civic school), elementary school and national school. All lead to comparable results after completing the first level, which lets students continue with a different curriculum at the second level. Several elementary schools use alternative educational systems, e.g. Waldorf pedagogy is used experimentally in five elementary schools and elements of it in other schools; elements of the Dalton plan[9] or Montessori education tend to be used in isolated instances.

C. Leisure, recreation and cultural activities

School facilities for care outside class teaching and care for children and young people

276. In addition to schools, the education system also includes facilities and institutions which form a system of supplemental care directly or indirectly related to children's education and development (see the Schools Act, section 45 and section 18 of Act No. 76/1978 Coll., on school facilities). These facilities form the social base for schools (housing and meals for pupils and students) and support extracurricular educational activities (school groups, elementary arts schools, children's and young people's centres). In addition, the education system also includes facilities for institutional, reformative and preventive care. All these facilities fill four basic functions:

(a) Care for children and young people outside classroom hours and special interest education in leisure time (school groups and clubs, centres for leisure time for children and young people, elementary arts schools, State foreign language schools);[10]

(b) Housing and meals (school cafeterias, young people's homes, in post-secondary education dining halls and residence halls);

(c) Alternative family care, reformative care and preventive-reformative care (special facilities and diagnostic institutions);

(d) Pre-school (kindergartens and special kindergartens), which were described in a separate chapter.

277. Between 13 and 15 per cent of the total funds of the Ministry of Education are spent annually on these facilities.[11] Some of the funds are paid by parents of pupils who attend these facilities. The amount of parental contributions differs widely, depending on the type of facility, the child's age and the organizer of the facility.

Care for children outside classroom time (leisure time)

278. The aim of facilities which provide care for children outside classroom time is to orient children and young people towards worthwhile interests and to develop their knowledge and skills; they also provide a not insignificant amount of assistance in upbringing and socialization to employed parents. They are primarily school groups for pupils in the first level of elementary schools and special schools, and school clubs for pupils in the second level of elementary schools and special schools which are established at these schools. Others are centres for where children and young people can spend their free time; they are further divided into children's and young people's centres and centres for special interest activities. The activities offered by these facilities are intended for all categories of children and pupils, including parents and other interested people. Relatively new elements in the activities of such centres are activities aimed at unemployed young people and anti-drug activities. A separate type of facility consists of elementary arts schools and State foreign language schools.

279. Non-school facilities have great importance in aesthetic education and art for children and with children. Since the beginning of the 1990s, primarily in the Ministry of Culture, a system of nationwide exhibits in individual artistic education fields has been developed, as well as a related network of educational events for teachers and directors of non-school organizations.

280. A total of 262,000 children attended school groups (233,000) and school clubs (29,000) in the 1997/98 school year. The number of pupils attending school groups declined significantly until the 1993/94 school year, when it gradually increased to 233,000 in 1997/98, the same level as in 1992/93. The number of school groups increased, from 3,740 in 1989/90 to 4,250 in 1997/98. The percentage of pupils attending school groups among the total number of pupils in the first level has declined in the review period, from 49.5 per cent in the 1989/90 school year to 36.7 per cent in the 1997/98 school year.

281. The number of school clubs increased in 1990/91 to double their original number, as 293 clubs were added. Their number then gradually decreased, and in the last three years it has been slightly above 350. The number of pupils attending school clubs also grew markedly in the first post-revolution year up to 30,400. After a decline lasting until 1993/94 the numbers have been increasing again recently (to 28,900 in the 1997/98 school year). At the same time the percentage of pupils attending school clubs among the total number of pupils in the second level of elementary and lower grades of multi-year high schools is growing (5.7 per cent).

Number of leisure-time centres for children and young people and their members (in thousands), 1991/92-1997/98

	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98
Number of centres	327	325	317	317	301	305	302
Youth under 15	154.5	152.5	154.7	168.9	170.9	177.9	173.3
Youth 15 and over	46.6	42.5	43.2	41.1	39.5	50.8	43.7

Source: Institute for Information on Education.

Note: Data for these centres are for children's and young people's centres, including independent centres, for the 1991/92 school year, and for leisure-time centres for children and young people, including independent centres, for the 1992/93 to 1997/98 school years. The data do not include other institutions which do provide leisure time activities for young people but do not fall under the Ministry of Education.

282. The total number of members in the centres declined absolutely for the period 1989/90-1997/98 from 226,000 to 217,000, i.e. roughly by 9,000 members (about 4 per cent). Interest in the centres comes mainly from young people up to age 15. At present they constitute roughly four fifths of all members (this ratio is stable).

Number of elementary arts schools and their pupils (in thousands), 1991/92-1997/98

	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98
Number of elementary arts schools (including branches)	645	674	770	745	761	804	810
Students in musical fields	109.3	112.1	124.8	138.4	144.3	144.5	145.6
Students in other fields	67.2	68.7	75.0	80.3	85.1	83.8	83.5

Source: Institute for Information on Education.

283. Elementary arts schools[12] provide fundamentals of education in music, fine arts, dance and literature-drama. The role of elementary arts schools includes preparing children to study at conservatories and young people to study at post-secondary arts schools. However, their activity is not conceived of as elite, because children who do not intend to become arts professionals also attend. Education in elementary arts schools is unusually significant as a means for developing creativity, cultivating taste, etc. In many places in the country elementary arts schools are also significant centres for cultural activities. The number of elementary arts schools has gradually increased since 1989 (with the exception of fluctuation in the 1994/95 school year). Overall there was a growth of 268 schools (i.e. one half more than in 1989), up to 810 in the 1997/98 school year. Elementary arts schools are the only organizations for leisure time where the number of pupils is increasing - up to 229,000 pupils in the 1997/98 school year. The total number of pupils has increased since 1989 by virtually 53,000, i.e. 23 per cent. Of greatest interest in the entire period is musical studies, attended by 63 per cent of the total number of pupils.

284. The State language schools arrange foreign language studies for children, young people and adults at all levels of ability. Studies at a State language school can be completed with a State final exam. The number of State language schools has varied from 26 in 1991/92 to 32 in 1990/91, and is basically stable in the review period. The number of students has declined steadily, from 64,000 in the 1989/90 school year to 30,000 in the 1997/98 school year. However, these data do not provide a relevant picture of language teaching. Apart from significant changes in language teaching in standard schools, there has been significant development of private language schools and other institutions which offer language courses. The number of participants in these courses (children and adults) is not statistically monitored.

Participation of children and young people in civic associations

285. The Act on association of citizens No. 83/1990 Coll. enabled many newly created civic associations to fulfil their expectations about leisure time activities. In subsequent years several hundred civic associations with an interest in the leisure time of children and young people registered with the Ministry of the Interior. In 1999 there are about 400 civic associations in the Czech Republic, and roughly 250,000-300,000 children participate in their activities.

286. In view of the fact that civic associations are not financially self-sufficient, they make use of opportunities for State subsidies under the Programmes for Support and Protection of Children and Young People which the MEYS announces every year (under Government resolution No. 289/1990) and through which it provides subsidies of over CK 160 million annually. The

Department for Young People in the Ministry of Education thus acquires an objective overview of the activities of civic associations of children and young people. The Ministry's other sources of information about the activities of civic associations and cooperation with them include meetings of the Chamber of Young People and the Mobility Commission (consulting bodies to the MEYS).

287. The Institute for Children and Youth (an organization established by the Ministry) issues a directory of selected civic associations.

288. In the years 1995-1999 the Ministry of Culture announced annual competitions for support of leisure time cultural activities. They were aimed at various age groups, including children. Supported projects involved the development of non-professional art, cultural activities of disabled citizens, support and preservation of the culture of ethnic minorities living in the Czech Republic, children's aesthetic activities and special interest cultural, non-arts activities, aimed primarily at prevention of negative phenomena (primarily for high-risk groups of children and young people).

289. Since 1993 the Ministry of Culture has annually announced a programme for support of cultural activities of disabled citizens. Those who submit projects are all civic associations whose activities mostly concern health and social issues, and for whom culture is only a part of their activities. Only a small number of them are devoted exclusively or primarily to artistic activities. Approximately 80 projects from 60 applicants go through the competition each year, and about CK 4.5 to 6.5 million are divided between them.

290. Civic associations are not the only providers of cultural activities for disabled citizens. They are also organized by social care institutions and special schools, which receive financial resources from their organizers, i.e. local governments, District Offices, and private legal entities. The Ministry of Culture also provides subsidies to these institutions, but in isolated cases.

291. Each year the Ministry of the Environment announces a tender for civic associations with a number of themes aimed at work with children and young people. Of the funds allocated to civic associations in this tender in 1999 CK 6,450,000 were provided and under the budget chapter "Ecological education" three international projects for elementary and secondary schools were supported - the programme Blue from the Sky (Modré z nebe) received CK 500,000, the programme GLOBE CK 600,000 and the programme Tulip (Tulipán), CK 98,000.

VIII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

1. Refugee children

292. We refer to the chapter on the non-discrimination principle about children without Czech citizenship in the present report and paragraphs 273 to 279 of the initial report. We add to the initial report current data on the number of applicants for refugee status who passed through

the refugee camps organized by the Ministry of the Interior: in 1995 it was 1,417 people, including 374 children under 15; in 1996 - 2,211 people, including 616 children under 15; in 1997 - 2,09 (sic) people, including 428 children under 15; in 1998 - 4,086 people, including 963 children under 15.

293. In connection with the international crisis in Kosovo, seven humanitarian flights were organized in cooperation with the International Organization for Migration (IOM) and the Office of the United Nations High Commissioner for Refugees (UNHCR), and 822 refugees were brought to the Czech Republic. Kosovo Albanians who were evacuated to the Czech Republic from Macedonia had an opportunity to apply for refugee status or to stay in the Czech Republic on grounds of temporary asylum. Those who had already applied for refugee status at the time when the Government's decision to establish temporary asylum went into effect were able to recall the application and go under the protection of temporary asylum.

294. At the present time, the refugee problems in the Czech Republic can be divided into two areas, based on the legal status of the persons concerned:

(a) Refugees and applicants for refugee status (persons to whom the provisions of the Convention relating to the Status of Refugees and its Protocol and the Act on Refugees apply);

(b) Persons granted temporary asylum.

295. In camps for applicants for refugee status managed by the Ministry of the Interior of the Czech Republic classes in the Czech language are provided for children and adults, children attend elementary school cost free, and the refugee camp provides them with school equipment and needs. In the summer months, in cooperation with non-governmental organizations, summer camps are organized for refugee children. Thematic trips, on which the children have an opportunity to see the historic and cultural monuments of the Czech Republic, are organized as part of the programme. We also refer to chapter III, section A on children without Czech citizenship.

296. Increased attention is given to socially weak and large families, and children who arrive without their parents. Unaccompanied children under 18 are given legal protection, and applications to appoint guardians are filed. The Act on social and legal protection of children governs providing assistance and ensuring protection of these children; it imposes an obligation on the municipality to take provisions to protect their life and health and ensure that their basic living needs are met at the most essential level, including health care. The municipality informs the District Office without delay about the measures taken, and the District Office contacts the embassy of the country of which the child is a citizen and discusses with it the possibility of the child's return to his/her homeland. The District Office takes the necessary measures such as filing an application for a preliminary injunction, filing an application to appoint a guardian or custodian for the child, filing an application for the child's placement in care, and handling the child's placement in a refugee camp.

297. The Act No. 498/1990 Coll. on refugees, as amended, sets the age limit of 15 at which people are able to act independently in proceedings to grant refugee status. In practice, guardians are also appointed for people who have passed this age limit. For foreigners, there are two guardianship institutions for children up to 15 and for youth:

(a) Guardianship for the asylum procedure. In this case an NGO employee is appointed guardian (e.g. the Czech Helsinki Committee). The employee represents the applicant for refugee status in all matters concerning the asylum procedure;

(b) Guardianship for residence. This guardian is appointed by the court of territorial jurisdiction based on an application to appoint a guardian filed by the Director of the Department for Refugees and Integration of Foreigners. A record of the interview with the youth (minor) unaccompanied by a legal representative is attached to the application as evidence. If the child is on the territory of the Czech Republic with relatives, they are proposed as guardians. Otherwise a different adult, whom the applicant knows and who is reliable, is appointed. If there is no other possibility, an employee from the Department for Care for Children in the appropriate local District Office performs this function.

298. The problem of minor unaccompanied applicants has been systematically recorded only since 1 October 1998. Before that date records were not kept about that applicant group. From 1 October 1998 to 31 August 1999, 23 unaccompanied minors applied for refugee status.

299. On 17 November 1993, the Government approved a project for integrating people who have been granted refugee status (resolution No. 643), which is intended to ease the integration of these people in municipalities in the Czech Republic through the use of restricted-purpose State funds. It can also be expected that it will ease the integration of larger families or families with small children.

300. People granted temporary asylum are provided housing and other services in humanitarian centres. Children generally attend local schools, and to make teaching easier classes in the Czech language are arranged in the humanitarian centres. Elementary education is provided to the children cost free, and the humanitarian centre provides the children with school aids. Those interested in studies at secondary and post-secondary schools have the opportunity to study under the same conditions as citizens of the Czech Republic. Social and psychological assistance to children is provided in humanitarian centres primarily through clubs, programmes for children of different ages and developing contacts and cooperation with the school.

2. Children in armed conflicts, including physical and psychological recovery and social reintegration

301. In the law of armed conflicts the Czech Republic is bound by the Geneva Conventions of 12 August 1949 for the protection of war victims and the Additional Protocols thereto of 8 June 1977. The protection of the civilian population (including protection of children) is covered by the Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Convention) and both Additional Protocols, which cover both international armed conflicts (Protocol I) and non-international armed conflicts (Protocol II). Article 77 of Protocol I provides the duty of States to prevent the participation of children under 15 in hostilities and

forbids their recruitment, as well as a duty to house them separately from adults (except families), and forbids executing a death sentence on them. Protocol I contains similar provisions for the protection of children for purposes of domestic armed conflicts.

302. In view of article 10 of the Constitution of the Czech Republic the above-mentioned legal rules are directly binding and take precedence over domestic law.

303. Under the new provisions of legislation on military service valid as of 1 December 1999, military service duty does not apply to a child, who therefore does not become a soldier and cannot participate in armed conflict. A child also cannot accept military service voluntarily.

B. Children involved with the system of administration of juvenile justice

304. We refer to chapter II on criminal responsibility, and court proceedings concerning children.

305. In the category of minors under 15 years of age who commit an act which would be a crime if committed by an adult, a court does not decide in criminal proceedings about their responsibility for a crime, but, depending on the seriousness of the act, the court conducts the proceedings under the Civil Procedure Code and takes a decision to place the minor - either mandatory or at its discretion - in a reformatory or other institution. The status of the minor in these proceedings is the same as that of any other minor in a custody or civil law proceeding. In these proceedings, the minor is always represented by his/her legal representative and his/her rights are also secured by the youth care authorities. In these proceedings, the minor is questioned under conditions stated in section 48, paragraph 2, and section 31, paragraph 3, of the Act on the Family which only limits this right in cases when the child is not able to form his/her own opinion on the matter because of his/her degree of development. As soon as the child reaches the age of 15, the minor can be held criminally responsible and criminal proceedings are conducted against him/her in which he/she must be represented by a defence attorney.

306. In case of a minor who is younger than 15 and who is suspected of committing an act which has the character of either a crime or a misdemeanour, the police conducts the questioning in a way analogous to the Criminal Procedure Code provision on questioning a witness. A thorough guarantee of the rights of such a person is to be introduced by the government proposal of the amendment to the Police Act which would adjust in detail the conditions for compulsory summons or detention of such a person and the interview procedure, including informing the legal representative and the childcare authority.

307. The childcare authorities are informed of all offences where the police discover the perpetrator to be a child under 15. The entity which decides on any measures to be taken against the perpetrator of an offence is usually an administrative commission, which has the character of an independent body in this matter. Measures are then taken under sections 43 and 45 of the Act on the Family. The non-existence of an independent criminal justice system for children and youth is being discussed by the commission for the recodification of the Criminal Code.

308. The question of the criminal responsibility age limit, which is currently set at 15 years of age, is being discussed in the framework of the recodification of the Criminal Code. The majority of the experts on the recodification committee believe that the social advantage of lowering the age limit for criminal responsibility would be less than the negative impacts of so doing. The questions of the approach towards crimes committed by juveniles and acts which would be considered criminal if committed by adults is better addressed in the framework of a comprehensive modification of the criminal court system for minors.

309. The following statistics provided by the Ministry of the Interior concerning juvenile delinquency (15-18) and child delinquency (under 15) must be understood in the light of the procedural rules for criminal court proceedings (for juveniles) and the lack of such rules (for minors). Criminal matters often continue from one calendar year to another, or even longer, and statistics ad personam are not kept.

Development of crimes caused by juveniles and children

310. In 1995 a total of 10,322 offences were committed by children which would otherwise have been judged as crimes; this was 6.47 per cent of total crimes. Juveniles (15-18) committed 22,310 crimes, which was 13 per cent of total crimes. In 1996 the figures for children were 12,059 offences representing 7.10 per cent of crimes, and for juveniles 22,719 crimes, representing 13.37 per cent of the total. In 1997 children committed 12,086 offences, representing 6.92 per cent of total crimes and juveniles committed 19,139 crimes, or 10.96 per cent. In 1998 the number of offences committed by children declined somewhat to 11,999, or 6.30 per cent of total crimes. Among juveniles there was a decline to 16,730 crimes, or 8.78 per cent of total crimes. As of 30 April 1999 children had committed 3,812 offences and juveniles 4,445. Compared to 1994 we can observe a constant increase in the criminal activity of children and juveniles. This fact gave rise to wide discussion on lowering the age-limit for criminal responsibility to under 15.

Property crimes committed by children and juveniles

311. In 1995 children committed 8,460 crimes of this kind, which was 10.18 per cent of total property crimes. Juveniles committed 18,520 property crimes, which was 22.29 per cent of total property crimes. In 1996 children committed 9,207 property offences, or 10.63 per cent of total crimes of this kind. Juveniles committed 17,703 property offences, or 11.00 per cent of total property crimes. In 1997 these numbers were, for children, 9,320 crimes, or 11.00 per cent of total crimes, and for juveniles, 14,992 crimes, or 17.69 per cent of total crimes. In 1998 there were 9,312 crimes committed by children, or 11.61 per cent of total crimes, and 13,165 crimes committed by juveniles, or 15.00 per cent of total crimes. Data on property crimes as of 30 April 1999 are 2,486 committed by children and 2,883 by juveniles.

Violent crimes committed by children and juveniles from 1995 to the first quarter of 1999

312. In 1995 children committed 939 such acts, which represents 5.4 per cent of total violent crimes (including 1 murder) and juveniles 1,443 acts, which represented 8.26 per cent of total violent crime (including 13 murders). In 1996 children committed 1,334 such acts, which

represented 7.17 per cent (no murders) and minors committed 1,640 acts, which represented 8.82 per cent (including 9 murders). In 1997 these numbers for children were 1,339 - 7.13 per cent (including 2 murders) and for juveniles 1,497 - 7.97 per cent (including 7 murders). In 1998 children committed 1,276 acts - 6.57 per cent (including 2 murders) and juveniles 1,334 - 6.87 per cent (including 16 murders). In the period from 1 January to 30 April 1999 there were 576 violent criminal acts by children (including 3 murders) and 460 violent criminal acts among juveniles (including 2 murders).

Total morally criminal activity by children (including the crimes of rape, sexual abuse and endangering the moral upbringing of young people, endangering morality and procuring)

313. In 1995 crimes in the cited group were committed by 116 children and 255 juveniles. In 1996 there was a small decline to 99 children and 248 juveniles. In contrast, in 1997 there was an increase in these crimes among children to 120 cases, and a decline among juveniles to 169 cases. In 1998 crimes of a moral nature committed by children declined again to 88 cases, and that of juveniles increased to 171 cases. In the time period from 1 January to 30 April 1999, in this area there were 36 cases among children and 56 cases among juveniles.

314. In 1995, the amendment to the Criminal Code No. 152/1995 Coll. introduced a new provision of section 81a, under which the court can decide that a sentenced juvenile who has reached the age of 18 while serving the sentence will be transferred to a prison for other convicts. The court can also decide that the convicted person will continue to serve the sentence in another type of prison, which can differ by one level from the prison in which he/she served the sentence so far.

315. In 1998 the Constitutional Act No. 162/1998 Coll., as amended, and the amendment to the Criminal Procedure Code No. 166/1998 Coll. extended the period in which a detained person, accused or suspected of a crime, must be delivered to the court from 24 to 48 hours.

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration

1. Economic exploitation of children, including child labour

316. In this section we refer to information provided in the initial report submitted by the Czech Republic. On specific matters we can add the information that the provision of the Labour Code, under which natural persons who complete compulsory education in a remedial school before reaching the age of 15 acquire capacity for labour law purposes on the day they complete compulsory education, but no earlier than upon reaching the age of 14, cannot be used in practice at present. The 1990 amendment to the Schools Act (Act No. 522/1990 Coll.) repealed the provision under which compulsory education in a remedial school lasted eight years. Under sections 33 and 34 of the Schools Act, compulsory education lasts a minimum of nine years. The information stated in paragraph 318 of the initial report is only theoretical, in view of the fact that the cited provision of the Labour Code was not repealed.

317. In 1997 the Ministry of Health issued decree No. 261/1997 Coll., which specifies the work and workplaces which are forbidden to all women, pregnant women, mothers during the first nine months after giving birth and juveniles, and conditions under which juveniles can perform this work on an exceptional basis for purposes of training.

318. The Ministry of Labour and Social Affairs is currently considering the question of how to legally regulate protection of children under 15 against excessive use or abuse for physical and mental work, e.g. in family businesses or in cultural, artistic, advertising and sporting activities. The Ministry is also considering this question due to the need to bring the laws of the Czech Republic into line with European Community Directive No. 94/33 on protection of juveniles in work, in the interest of preparing the Czech Republic for ratification of International Labour Organization Convention No. 138, as well as in the interest of proper fulfilment of article 7 of the Council of Europe's European Social Charter. (See ibid., para. 40.)

2. Drug abuse

319. Illegal production and possession of narcotic and psychotropic substances and poisons and spreading drug abuse are crimes under sections 187 and 188 of the Criminal Code which ensure protection of society against illegal handling of narcotic and psychotropic substances, poisons, and preparations containing narcotic substances, psychotropic substances, a precursor, or poisons. Use of narcotic and psychotropic substances remains non-criminal.

320. Section 188a reads:

> **"1. Anyone who induces another to abuse addictive substances other than alcohol or supports him/her in it or who otherwise incites or spreads the abuse of such substances will be punished by imprisonment for up to three years or prohibition of activity or a fine.**
>
> **"2. The perpetrator will be punished by imprisonment for one to five years if he/she commits the crime stated in paragraph 1 against a person under the age of eighteen."**

321. According to statistics from the Czech Republic Police, crimes related to spreading drug abuse were committed in 1994 by 33 children and 27 juveniles, in 1996 by 66 children and 41 juveniles, in 1997 by 60 children and 48 juveniles, in 1998 by 127 children and 76 juveniles and, finally, in the period from 1 January to 30 June 1999, by 26 children and 19 juveniles.

322. In 1995, 54 juveniles and no children committed the crime of illegal production and possession of narcotic and psychotropic substances. By the following year, children committed this act in 14 cases, juveniles in 115; in 1997 the respective figures were 30 children and 129 juveniles, in 1998, 43 and 174; in the period from 1 January to 30 April 1999, the statistics show 18 children and 66 juveniles involved in the illegal production and possession of narcotics.

323. The implementation of the anti-drug policy is primarily the responsibility of the Inter-ministry Anti-Drug Commission (the IAC). It is headed by the Prime Minister, the Vice-Chairman is the Minister without Portfolio, and other members are the Minister of Health, the Minister of Justice, the Minister of Labour and Social Affairs, the Minister of Education, the Minister of Defence, and the Minister of the Interior. In February 1998 the IAC presented a basic policy document to the Government - "the Concept and Programme of the Government's Anti-Drug Policy for the Period 1998-2000". The Government approved the document on 23 February 1998 by resolution No. 111 as a binding starting point for practical measures on drug-related issues.

324. The IAC is serviced by its working group - the Council of Ministry Representatives. Its members, employees of the central bodies of State administration, are responsible for the ministries' activities in this area. In addition, on the local level there is a network of district anti-drug coordinators and anti-drug coordinators in incorporated cities. Their mission is to ensure effective distribution of information about primary, secondary and tertiary prevention, or to coordinate the activities of all facilities which handle these issues.

325. In recent years anti-drug policy has been financed at the central level in two ways: through the appropriate ministries and from the budget chapter General Cash Administration (GCA) through District Offices in incorporated cities (based on the above-mentioned government resolution No. 111). The special-purpose subsidies significantly reinforced the quality of anti-drug policy at the local level, thereby confirming the importance of practical application of anti-drug policy in those areas where such activities take place. For 1999, CK 75 million were allocated from GCA for anti-drug policy projects through local public administration, and another CK 45 million for ministry subsidies.

326. In March 1999 the IAC approved the report on the situation and development in drug matters for 1998. The report indicates that juveniles aged 15 to 19 constitute the high-risk population which most often experiments with illegal drugs. Among newly recorded users, 12.7 per cent reported having their first experience with drugs before the age of 15, while in the group aged up to 19 it was 74 per cent. Out of 209 persons charged under section 187, section 188 and section 188a of the Criminal Code in 1998, 13 were juveniles, which represents an annual increase of almost one third.

327. Primary prevention is primarily a matter for the Ministry of Education. However, it is not restricted only to the field of education. A wide spectrum of services of care for children and juveniles outside of school, provided by civic groups and organizations, also play a role here.

328. The MEYS approved the following programmes:

> An outline for preventing abuse of addictive substances and other socially pathological phenomena among children and youth in the jurisdiction of the Ministry of Education for the period 1998-2000 (programme approved in December 1997);

Minimum preventive programme for schools and school facilities in the area of abuse of addictive substances, School without Drugs (programme approved in December 1997);

National Educational Outlines (programme approved in December 1997);

Special courses for instructors in primary anti-drug prevention (in cooperation with teachers from the United States of America and Great Britain, 26 graduates) (programme approved in May 1999);

Instruction for drawing and accounting for funds from the MEYS budget intended for implementing the minimum preventive programme and to support preventive activities in 1998 (programme approved in December 1997).

329. Based on the outline for preventing abuse of addictive substances and other socially pathological phenomena among children and youth in the jurisdiction of the Ministry of Education for the period 1998-2000, and based on the instruction for drawing and accounting for funds from the MEYS budget intended for implementing the minimum preventive programme and to support preventive activities in 1998, roughly CK 9.5 million were distributed among School Offices. The Ministry of Defence and the Ministry of Agriculture, for their own educational purposes, also adopted the Ministry of Education's minimum preventive programme.

330. At least 92 elementary schools are implementing the programme Healthy School. This is a project of the World Health Organization for Europe, the European Union and the Council of Europe, which was offered to the Czech Republic in 1991. A total of 94 schools were accepted through a selection process; they form the current network of schools in the Healthy School project. In order for a school to participate in the selection process, it had to prepare its own project for supporting health.

331. Almost 70 per cent of all districts have peer programmes in elementary and secondary schools. However, their effectiveness is limited by the children's motivation, as a result of which unmotivated individuals and more difficult children are often left out of these programmes.

332. Minimum preventive programmes, implemented in schools and school facilities in care institutions and reformatories, become part of prevention projects implemented in cities and municipalities. That means that in a number of cases schools and school facilities began systematically to cooperate with the police, the State prosecutors, authorities for social care, assistance and support, health facilities, and other entities whose activities are aimed particularly at extracurricular activities of children and juveniles.

333. A study of the activities of pedagogic-psychological counselling facilities in prevention of abuse of addictive substances indicates that in the last three years the number of such facilities involved in preventive activities grew by almost 60 per cent: in 1996/97 there were 156 such facilities, in 1997/98 there were 224 and in 1998/99, 230.

334. The MEYS announces annual tenders for programmes to support and protect children and juveniles. In the programme Understanding, which is aimed at supporting activities of civic associations for the disabled, 43 projects were supported in 1997, 150 projects in the following year and 123 projects were approved out of the 272 submitted for 1999.

Medical treatment and resocialization

335. As part of creating a system of social services, the Ministry of Labour and Social Affairs of the Czech Republic has lately been approaching the problem of drug users, addicts and their families from the perspective of citizens in social need, whose rights to adequate assistance are equal to those of others. The aims of the Ministry are:

(a) Through specific strengthening of respect for human rights, to prevent the social disintegration of drug users, addicts and their families;

(b) To participate in improving inter-ministry cooperation and promote conceptually coherent measures which ensure continuity of care;

(c) To create a system of social services for drug users, addicts and their families.

336. A system of social services specially directed at a clientele with drug problems will be included in the draft act on social assistance. The act is to contain these forms of assistance:

(a) Low-threshold contact centres and work in the field;

(b) Outpatient counselling and therapeutic services;

(c) Therapeutic communities;

(d) Protected workplaces and programmes aimed at assistance with finding work;

(e) Protected housing for those who complete treatment;

(f) Social programmes for addicts undergoing substitute treatment;

(g) Social programmes for active drug users who are not undergoing treatment.

337. While categories (a)-(c) are being developed through inter-ministry cooperation and the selection of these types of services is generally satisfactory, services in categories (d)-(g) basically do not exist. Undoubtedly, the most effective follow-up care is the least

developed part of the system of care for drug users, because it is the newest and financially relatively expensive. A few existing programmes of follow-up care are operated by non-governmental entities; their quality is very good, but their capacity is quite insufficient. For them to expand further, it is necessary to create a framework, particularly a State philosophy for their development and a clear subsidy policy. Building a social services system for active drug users is greatly complicated by the negative attitudes towards these people by the majority population and certain politicians. Nonetheless, it is necessary to make efforts in this direction. The undisputed fact that drugs have become part of our life clearly indicates the need to find approaches which will minimize negative consequences and social risks for individuals and society in connection with drug use.

338. Secondary prevention of drug addiction was a basic priority for the Ministry of Health in 1998. In that year the Ministry aimed its support at developing:

(a) Timely intervention programmes (including field programmes connected with "harm reduction" activities);

(b) Outpatient facilities with drug replacement programmes;

(c) Day centres with intensive outpatient treatment;

(d) Facilities with detoxification programmes;

(e) Short-term, medium-term and long-term institutional care (psychiatric treatment facilities);

(f) Resocialization (therapeutic communities).

339. Key points included support for a methadone replacement therapy programme for narcotics addicts, which was implemented in the General Hospital associated with the Charles University School of Medicine (Všeobecná fakultní nemocnice). The Ministry supported it in 1998 as a pilot project, and the capacity of the programme was not increased during the year.

340. The funds spent enabled a special department for infectious hepatitis to be created, with an ongoing comprehensive addiction syndrome treatment programme. Subsidies from the Ministry of Health permitted the number of beds available for drug addicts to be increased through the operation of, for example, the therapeutic communities Karlov and Magdaléna (Mníšek pod Brdy), and the Drug Addiction Treatment Station in Jemnice. Of these facilities, only the therapeutic community Karlov provided the missing link of care for juvenile drug addicts.

341. As part of the HIV/AIDS prevention programme, the Government is devoting attention to preventing the spread of HIV among drug users on two levels:

(a) Supporting expansion of peer activities among juveniles and street work among drug users which attempt to strengthen health education among young people. The aims are to reduce the increase of new drug users and to restrict the spread of HIV/AIDS among drug addicts as much as possible by supporting needle exchange programmes;

(b) A study aimed at determining the prevalence of HIV-positive people among drug users using saliva testing. So far the results still show a relatively low rate. (Chapter VIII, Section C.2, "Drug abuse", responds to the Committee's concluding observations, para. 24.)

3. Sexual exploitation and sexual abuse

342. Child abuse and cruelty to children is a crime in the Czech Republic under section 215 of the Criminal Code and is subject to reporting duty under sections 167 and 168 of the Criminal Code.

Cases of cruelty to children and child abuse reported to authorities for social and legal protection of children

		Total 1997	Total 1998	Physical cruelty		Psychological cruelty		Sexual abuse	
				1997	1998	1997	1998	1997	1998
Cases reported		1 289	1 426	600	641	169	192	520	593
By	Police	339	342	82	68	12	27	245	247
	Schools	195	239	128	164	33	31	34	44
	Health-care workers	210	180	137	113	20	21	53	46
	Citizens	199	281	101	147	42	48	56	86
	Child	79	103	28	43	10	11	41	49
	Other	267	281	124	106	52	54	91	121

343. According to the Retrospective Epidemiological Study of Child Sexual Abuse in the Czech Republic,[13] which included a survey of children aged 14-15 let, every third adolescent girl reported an experience of sexual abuse in childhood. In virtually half the cases of sexual abuse of girls the aggressor is someone in the family, most often a man in the social role of father (biological: non-biological - 2.5:1), brother, grandfather, or uncle. In roughly one third of cases sexual violence against girls is committed by someone known to the girl, and in only less than a quarter of cases by a stranger. Also according to the study, at present there is a growing trend of commercial sexual abuse of boys, particularly prostitution of boys. Half of the sexual violence against boys is committed by a stranger, who uses accidental contact for forced sexual activity, the other half by someone from the circle of acquaintances (those most frequently cited were teachers and leaders of clubs, sports groups and summer camps). All cases involved homosexual activity.

344. Article 12 of the Working regulations for school employees requires employees to "report to the school principal or school facility director information which could indicate that a child or minor pupil is exposed to cruelty, abuse, neglect or other mistreatment in the family or other environment outside the school. They shall also report information about specific danger to pupils using addictive substances, including alcohol." At the instigation of the Czech Republic Police, several meetings were held with employees of the MEYS about issues of delinquency among school-age youth and coordination of procedures, which resulted in the publication of information for School Offices, schools and pre-school facilities. (See ibid., paras. 22 and 39.)

345. The Ministry of the Interior prepared a basic policy paper, Analysis of Problems Related to Prostitution and Outlining Conditions for their Systematic Solution, which was approved by the Czech Republic Government in May 1999. This paper contains an analysis of the current situation in the provision of sexual services, a description of related criminal activity and of the health and social risks, and an evaluation of the methods for addressing these risks in Europe. It will also be a basis for comprehensive legal regulation of prostitution and limiting its negative accompanying features to a tolerable level. It is also expected that a set of accompanying social, preventive and resocialization programmes will be developed which could enable victims of prostitution to return to normal life. (See ibid.)

346. In the first half of 2000 a draft National Plan to Fight Commercial Sexual Abuse of Children will be submitted to the Government which will also contain re-socialization and rehabilitation aspects. The draft will be prepared by the National Crime Prevention Committee, which will ensure the participation of the relevant ministries. The Ministry of the Interior will then submit it to the Government. (See ibid.)

347. The following table shows the number of children under 15 (A) and children 15-18 (B) who were victims of crimes of a violent or moral nature from 1995-1999:

	1995		1996		1997		1998		1999	
	A	B	A	B	A	B	A	B	A	B
Sexual murder	3	2	3	1	4	0	1	0	0	1
Murder in personal relationships	5	3	2	2	6	6	9	6	3	0
Other murder	5	3	2	0	7	5	9	2	2	1
Murder of newborns by the mother	6	0	3	0	3	0	1	0	0	0
Child abandonment	36	2	9	0	10	1	15	0	4	0
Abduction	36	2	20	0	14	0	13	1	4	0
Intentional injury to health	426	604	453	547	432	491	457	460	144	121
Extortion	306	200	508	228	569	233	603	288	236	54
Restricting personal freedom	135	6	53	6	267	90	156	101	45	14
Cruelty to a person entrusted for care	164		113	7	141	6	122	8	45	1
Rape	74	151	80	136	77	112	81	127	20	42
Sexual abuse	1 083	33	1 181	48	948	42	1353	38	264	9

Source: Ministry of the Interior.

348. In April 1999 the Czech Republic Police created a special workplace - a computer crime group - responsible, among other things, for certain tasks involved in uncovering child pornography on the Internet.

349. Non-governmental organizations play a significant role in helping sexually abused children and child victims of cruelty (e.g. the Our Child Foundation - Safety Hotline, the Fund for Endangered Children, the Pink Hotline, the Children's Crisis Centre Prague, the Blue Hotline Brno, STŘEP, etc.). For example, the Fund for Endangered Children conducts the following activities for the protection of child victims of cruelty and abused children:

(a) Finding these children, investigating their situation and attempting to place them in alternative families, if it is not possible to treat the family, in cooperation with childcare authorities;

(b) Arranging sheltered housing for parents with children threatened by the other parent or another adult member of the household;

(c) Arranging temporary family care for a child until a case is resolved;

(d) Psychological examination, provision or arrangements for psychotherapy or convalescent treatment, activities for children living in children's homes;

(e) Free legal advice for the parent who is not injuring the child;

(f) Education related to the children and the public;

(g) Filing crime reports; giving information to the police, the court and childcare authorities.

350. The basic form of help which the Safety Hotline offers is telephone crisis intervention. If the seriousness of the child's situation requires an expert or the help of an appropriate authority or institution, the Safety Hotline can refer the caller to the appropriate facility or institution. The Safety Hotline also offers, particularly in serious cases of danger to the psychological and physical health and the life of the child, to arrange help through intervention directly to the competent authorities and institutions. The Safety Hotline continues to monitor the handling of the crisis situation. The Safety Hotline's Crisis Centre is closely connected to its activities. This is a non-governmental health facility which provides children, adolescents and their parents highly expert psychological and social and legal assistance through diagnosis, individual and family psychotherapy, group therapy and social fieldwork.

351. Issues of cruelty, neglect and abuse of children and adolescents represent approximately 6 per cent of the conversations on the Safety Hotline. In 1998 over 3,000 children turned to the Safety Hotline, an average of approximately 8 people a day. Many cases had to be handled directly in the Safety Hotline's Crisis Centre through therapeutic or diagnostic help or through the intervention of social workers. This procedure would be indicated in a significantly

higher number of cases, the child or adolescent must agree to accept this form of help. In many cases, however, children and adolescents refuse to break their anonymity, particularly due to enormous fear, primarily of the reactions of the parent causing injury. A total of 28.7 per cent of the problems brought to the Safety Hotline Crisis Centre are cases of cruelty, neglect and abuse.

352. We can see the numerous cases of abuse, cruelty and neglect registered by the Safety Hotline and its Crisis Centre as a sign of the relatively high incidence of violence committed against children and juveniles, particularly in the family. This is because children primarily identify a related or familiar person as the originator of the violence. They identify a completely unknown person as the perpetrator markedly less often. This also corresponds to the results of a retrospective study which was aimed at the incidence of sexual abuse in childhood among the adult population of the Czech Republic and in persons with risky sexual behaviour. This was a research project by the Safety Hotline Crisis Centre conducted in 1998. The results of this study indicated that 25.7 per cent of respondents experienced a form of sexual abuse in childhood (up to age 15). Of the total number of respondents, 33 per cent of women and 17 per cent of men reported such an experience.

353. The Pink Hotline also offers help to child victims of cruelty and abused children. The Hotline conducts not only telephone crisis intervention, but also in-person crisis intervention for the child and the entire family. The Hotline works with schools, childcare authorities and the police.

4. Sale, trafficking and abduction

354. Abduction is a crime under section 216 of the Criminal Code, which states:

> "1. Anyone who removes a child or a person suffering from a mental disorder or mental retardation from the care of the person who has the duty to care for him/her under the law or according to an administrative decision, shall be punished with a prison sentence of up to three years or a fine.
>
> "2. The perpetrator shall be punished by a prison sentence of two to eight years if he/she,
>
> "(a) commits the crime stated in paragraph 1 with the intent of acquiring material gain for himself/herself or another, or
>
> "(b) endangers the moral development of the abducted person by such act.
>
> "3. The perpetrator shall be punished by a prison sentence of three to ten years if, by the act specified in paragraph 1, he/she causes serious injury to health, death, or another especially serious consequence."

355. Trading in children is a crime under section 216a of the Criminal Code, which states:

> "1. Anyone who, for compensation, entrusts a child to the power of another for purposes of adoption, making use of child labour or for another purpose, shall be punished by a prison sentence of up to three years or a fine.
>
> "2. The perpetrator shall be punished by a prison sentence of two to eight years if he/she,
>
> "(a) commits the crime specified in paragraph 1 as the member of an organized group, or
>
> "(b) acquires significant benefit by such crime.
>
> "3. The perpetrator shall be punished by a prison sentence of three to ten years if, by the crime specified in paragraph 1, he/she causes serious injury to health, death or another especially serious consequence.

5. Other forms of exploitation

356. The Czech Republic has not experienced any other forms of child exploitation.

D. Children belonging to a minority or an indigenous group

357. Education of minorities in the Czech Republic in their native language is guaranteed by the Charter (art. 25, para. 2a).

358. Act No. 29/1984 Coll. on the system of elementary and secondary schools (the Schools Act), as amended by later regulations, and Act No. 564/1990 Coll., on State administration and local administration in education, as amended by later regulations, permit the creation of schools or classes to teach children of non-Czech nationality whose parents are citizens of the Czech Republic in their native language. However, the creation and activities of these schools or classes generally depend on the interest of parents, who declare their interest in a suitable way, generally through their civic associations. Section 3, paragraph 2, of the Schools Act states: "Pupils belonging to ethnic minorities are guaranteed the right to education in their native language … . Members of ethnic minorities have the right to education in their native language without cost in the State school system of State schools. In practice, this right is met in the standard State school system (schools with the language of the ethnic minority as the language of instruction, schools with instruction in the language of the ethnic minority as an elective subject, separate classes with the language of the ethnic minority as the language of instruction) or in bilingual schools.

359. At the present time, a draft law on minorities is being prepared, which is to be submitted to the Government by the end of the first half of the year 2000; it is expected that the law would come into effect in the first half of 2001. The draft, based on the present

constitutional guarantees of minority rights, will be in accordance with the European Framework Convention for the Protection of National Minorities to which the Czech Republic has already acceded, and with the European Charter of Minority and Regional Languages, for which the Czech government authorities have begun the process of ratification. Establishing minority schools is not based on a statutory obligation of the State. The Schools Act only regulates the opportunity of establishing minority classes and schools. The draft law is also to specify the minimum number of pupils, lower than in schools with Czech as the language of instruction, at which the State will be required to establish a minority class, or at which it will be able to dissolve such a class. Overall, it can be said that the law should regulate the rights of minority members, including the children, to the use of their language, development of their culture and cultural autonomy, through which they will decide, or jointly decide, on issues of minority culture, language and education. This will also apply to minority children.

360. In the Czech Republic only the Polish minority, which is concentrated in the districts of Karviná and Frýdek-Místek, has fully developed education with Polish as the language of instruction. Method management, publication of textbooks and methodical aids for Polish schools are arranged by the Polish pedagogic centre in Český Těšín, established by the MEYS. Specifically, in these districts, the following types of Polish schools exist (in the 1998/99 school year):

Kindergartens - 38 classes, 590 children;

Elementary schools - 29 schools, 152 classes, 2,642 children;

Secondary schools - Academic High School in Český Těšín, 11 classes, 271 pupils;

Detached classes in Karviná - 82 pupils;

Business Academy in Český Těšín - 91 pupils;

Secondary industrial machinery school (Střední průmyslová škola strojní) in Karviná - 73 pupils;

Secondary health studies school (Střední škola zdravotní) in Karviná - 51 pupils;

Secondary agricultural school (Střední zemědělská škola) in Český Těšín - 16 pupils.

361. In view of its high degree of assimilation and dispersed population, the Slovak minority does not have a clearly formulated educational programme. There is only one elementary school, in Karviná, with only about 50 pupils. In Prague the MEYS made preparations to open a Slovak high school and begin instruction in the 1997/98 school year; however, the programme failed for lack of student interest.

362. In 1997 the Government approved decree No. 686 on measures assisting the integration of the Romani community in society. The decree charges the Minister of Education, Youth and Sports to implement significant organizational and methodological changes in the upbringing and education of Romani children. The MEYS supports the education of members of the Romani minority in the following ways:

(a) It establishes and operates preparatory classes in elementary schools, kindergartens and special schools for children from a socio-culturally disadvantaged environment, which Romani children can attend before beginning compulsory education. The aim of teaching in these "preparatory classes" is, through purposeful and systematic work with the pupils, to increase their level of preparation for school in language and social skills;

(b) It initiates specific educational programmes for elementary schools whose aim is to provide Romanies with elementary education and, subsequently secondary education;

(c) It prepares pedagogical documentation aimed at specific educational needs of Romani children which, without exception, respects the fact that tolerance permeates education as a whole;

(d) It publishes textbooks which take into account differences between cultures and nationalities;

(e) It cooperates with civic associations in offering education for children of Romani origin;

(f) It arranges the participation of its experts in the Consultative Group for Ethnic Education Issues.

363. Since 1993 the MEYS has systematically applied itself to the education of Romani children, primarily by establishing preparatory classes for children from a socio-culturally disadvantaged environment in the elementary education system. Eighty preparatory classes were established in the 1998/99 school year. Romani assistants are a particularly important aid in overcoming language barriers among Romani children. As of 30 March 1999, 110 Romani assistants were working in elementary schools, special schools and kindergartens. Resources for the salaries for Romani teaching assistants are allocated and released by the Ministry of Education at the request of the school. The Ministry of Education arranges the education and preparation of assistants for these positions. The MEYS monitors new bases for testing children when assigning them to special schools.

364. For five years the MEYS has been supporting the "Project for Experimental Graduated Education of Romani Consultants" in the Secondary Evangelical School of Social Work in Prague 4; the school is included in the school network. The MEYS and the Ministry of Labour and Social Affairs share the financing.

365. The Private Romani Secondary Social School in Kolín, aimed at daily four-year studies for social workers focusing specifically on the Romani community, has been included in the school network. The MEYS provides 40 per cent of the school's financing.

366. Another measure of support to and education of Romani children is special-purpose subsidies for specific projects concerning education of the Romani population. The Ministry subsidized a total of seven projects within the Programme for Development of Elementary and Secondary Education and the ExTra programme. As part of programmes for the support and protection of children and youth, civic associations of children and youth and civic associations working with young people, programmes aimed at preventing racism and xenophobia receive long-term support. One of the tasks of the accepted outline in connection with the decree of the Government of the Czech Republic No. 686/1998, is to prepare a policy for the education, development and socialization of marginal and high-risk groups, with emphasis on Romani children and youth, and to prepare a system and methods for the further education of adults among the Romani population or other linguistically handicapped and culturally distinct minorities. Another task is, in cooperation with centres for leisure time and civic associations, to develop specific leisure-time activities for high-risk groups of children and youth involving education, events and activities leading to tolerance, and the elimination of racism and various forms of discrimination and violence in society. Programmes of timely intervention are to be developed as part of the care for high-risk groups.

367. In decree No. 279 of 7 April 1999, the Government approved the policy towards assisting the integration of members of the Romani community into society. In the decree the Government charges the Minister of Education to ensure that changes are implemented in curricula at elementary and secondary schools, so that these curricula will include teaching about the Roma, their history (including the Nazi holocaust), their culture and traditions. A significant task for several ministries is to include such provisions in the legal order in order to provide an opportunity to conduct actions to remove possible disadvantages caused to members of the Romani community, in order to eliminate such disadvantages by 31 December 2020. By accepting the outline the Government committed itself to creating conditions for changing the school system so that Romani children can be as successful in it as others. Methods for achieving this will be primarily removing language barriers, organizing preparatory classes, offering Romani as a supplemental language of instruction, hiring Romani assistants in schools, and adopting primarily individual approaches to pupils. The system in which most Romani children only complete special school, which qualifies them only for the lowest-paid jobs, will be replaced with a system of classes with flexible transfer between educational tracks in elementary schools and smaller numbers of pupils. The State will provide adult Roma an opportunity to complete their elementary or further education. (Chapter VIII, section D, "Children belonging to a minority or an indigenous group", responds to the Committee's concluding observations, paras. 15 and 32.)

IX. CONCLUSION: DISTRIBUTION OF THE INITIAL AND SECOND PERIODIC REPORT ON IMPLEMENTATION OF THE CONVENTION

368. The Ministry of the Interior sent the initial report to the ministries concerned. The ministries or non-governmental organizations distributed the report as they saw fit to government al and non-governmental institutions. The initial report is also published on the Internet at: http://www.unhcr.ch/tbs/doc.nsf under the search term "Czech Republic" and "Committee on the Rights of the Child".

369. The Ministry of Labour and Social Affairs published the initial report and distributed it in varying numbers of copies to the following institutions: the Ministries of Education, Youth and Sports, Health, Justice, the Interior and Foreign Affairs, the Office of the President of the Republic, the Parliament of the Czech Republic, the Union of Health Care and Social Work, the Society of Social Workers, the Children's Crisis Centre, the Czech Society for Social Paediatrics, the Fund for Endangered Children, the Czech Society for Protection of Children, social care institutions, District Offices, city halls of incorporated cities, infant care institutions, children's homes, care institutions and secondary and post-secondary schools with a focus on social affairs.

370. The second periodic report will be sent to all ministries and other State administration authorities (the Supreme State Prosecutor's Office, the Supreme Court, etc.), and to the Czech Press Office, non-governmental non-profit organizations and branches of international organizations, and will also be published on the Internet.

Notes

[1] The minimum subsistence level is set by the Act on the minimum subsistence level No. 463/1991 Coll., as amended. The amount of the minimum standard of living which is considered necessary under the Act on the minimum standard of living to ensure food and other basic personal needs is a monthly amount of (a) CK 1,560, for a child up to 6 years old; (b) CK 1,730, for a child 6-10 years old; (c) CK 2,050 for a child 10-15 years old; (d) CK 2,250, for a dependent child 15-26 years old; (e) CK 2,130 for other citizens. The amount of the minimum standard of living which is considered necessary under the Act on the minimum standard of living to secure necessary household expenses is a monthly amount of (a) CK 1,300 for an individual; (b) CK 1,700 for a two-person household; (c) CK 2,110 for a three- or four-person household; (d) CK 2,370 for a household of five or more people.

[2] The legal framework of the education system is also formed by Act No. 76/1978 Coll. on school facilities, as amended, and Act No. 564/1990 Coll. on State administration and local administration in education, as amended by later regulations.

[3] The development of the system of administration of regional education after 1990 is described in detail in the Annual Report on the Status and Development of the Education System in 1995-1996 (Education in Movement), MŠMT, ÚIV 1996.

[4] Passage of Act No. 367/1990 Coll. on municipalities and Act No. 425/1990 Coll. on district offices, and the amendment to the Schools Act No. 171/1991 Coll. also played an important role.

[5] After grade five of elementary school to an eight-year high school and after grade seven to a six-year high school.

[6] Schools with few grades are schools where the teaching of several grades is organized in one classroom. Incompletely organized schools do not have all grades, but each of them has its own classroom. Generally, schools are created with only the first level; schools with only the second level are rare.

[7] It was not statistically monitored until the 1993/94 school year.

[8] Special classes are for hearing, visually, physically or mentally disabled children, for children with speech defects and with combined defects. Specialized classes are for children with specific developmental behavioural and learning disorders.

[9] A teaching philosophy whose main feature is emphasizing individual work and the pupil's self-reliance. It is named after an experimental school in Dalton (United States of America).

[10] The Act also regulates the possibilities for educational institutions for artistic production and the National Shorthand Institute.

[11] In the 1997/98 school year it was CK 11.4 billion, i.e. 14.9 per cent of all public expenditure for education (including municipal expenditures). Almost two thirds of these funds (CK 7.2 billion) were spent for housing and meals.

[12] Elementary arts schools are included among schools under the Act, but in view of their activities, which serve the leisure time of children and young people, they are classified among school facilities, for clarity.

[13] E. Vaníčková, Retrospective Epidemiological Study of Child Sexual Abuse in the Czech Republic. The Concluding Report on the Grant provided by the Internal Grant Agency of the Ministry of Health, Czech Republic, Prague, 1998.

List of annexes*

1. Method Instruction of the Ministry of Education, Youth and Sports on education against expressions of racism, xenophobia and intolerance.

2. The National Plan for Equalizing Opportunity for Citizens with Medical Disabilities of 14 April 1998.

3. Statistics on alternative family care.

4. Subsidies of the Ministry of Education, Youth and Sports to civic associations.

5. Number of deaths of children aged under 19.

6. Amount of subsidies from the Ministry of Health for projects aimed at children and adolescents.

7. Amount of subsidies from the Ministry of Health for medically disabled persons.

8. Expenses for payments to families with children.

9. Diagram of the Czech Republic Education System.

10. Financing education.

11. Information on the amount of funds provided to the benefit of children from the State budget from 1995 to 1999.

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* Available for consultation in the files of the secretariat.